The American
Political Science Review

Vol. IV MAY 1910 No. 2

A REVIEW OF LABOR LEGISLATION IN THE UNITED STATES FOR THE YEAR 1909

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The greatest need in the field of labor legislation is the establishment of scientific standards. The chaotic condition of such legislation in this country is everywhere recognized. This lack of uniformity is due partly to the fact that, where England, for instance, has one body enacting legislation, we have fifty bodies politic, each with different industrial conditions and with different ideas as to what is constitutional. It is significant that this lack of uniformity has led to the organization of a special national association to promote scientific study of labor legislation. Forty-two states held legislative sessions during 1909. A flood of labor bills were introduced and nearly four hundred were enacted into law.[1]

The legislation of the year included two or three encouraging first steps in the direction of standardization. The appointment of state commissions to study certain subjects and draft bills, as, for example, the commissions in Wisconsin, Minnesota and New York on workmen's compensation, in Arizona and Illinois on mining, and elsewhere on convict labor, are hopeful signs that henceforth we will demand accurate information on underlying conditions before drafting bills to remedy them. This careful pre-

[1] For a complete index and summary, see "Legislative Review, No. 1," American Association for Labor Legislation.

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liminary work will enable us to frame laws that are specific in character and capable of enforcement. Such general measures as the Illinois act, that "sufficient and reasonable means of escape" from fire must be provided, will be replaced by laws similar to that of Colorado, which defines fire escapes, and specifically regulates their length, width, strength, and the kind of material to be used.

Still another step was taken last year. The 1907 law of New York relating to underground work in compressed air, required only that a proper head house and trap door be provided. Last year New York enacted a new law, specific in its requirements as to hours of work, air space, rate of compression and general medical protection. The fact that different industries require different regulation is slowly being recognized, and our next great need is a scientific standardization of occupations.

We have in this country no sentiment sufficiently well organized to secure legislation on state old age pensions, regulation of wage rates, or on unemployment, although these subjects have for years received prominent consideration in England and other European countries. On certain other subjects we are all agreed that "something must be done," but we do not know what. The occurrence of many serious strikes throughout the country, for example, brings home the fact that we have no effective legislation on this subject; and the large number and serious character of accidents in mines and on railroads shames us to the conclusion that there also we have fallen far short in our efforts to provide effective labor legislation.

Workers in factories, mills and various kinds of establishments will receive protection by the enactment last year of many excellent measures. But the more casual and less skilled workers in railroad and logging camps, and on various kinds of construction work, are almost entirely unprotected. The tremendous problems involved in and arising out of our increasing immigration, too, are still practically untouched, and the stranger within our gates is met with scant hospitality.

That a real distinction exists between protective and restrictive labor legislation, becomes strikingly apparent in following

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the enactment of certain labor measures. While employers and employees in Illinois were peacefully, almost affectionately, agreeing upon an elaborate factory inspection act, the most bitter and dramatic fight of the year occurred in that state over a law limiting the working hours of women. In Massachusetts, while employers and employees came to a happy agreement in the establishment of the Boston and Maine pension system for the employees of that railroad, the entire state, and especially the labor element, was aroused by the refusal of the governor to sign an effective eight-hour law for employees on public work. Laws were passed regulating the hours of labor for women in at least a dozen states. But before the end of the year their constitutionality was being tested in the courts in Missouri and Illinois, and later in Michigan. In Delaware and Pennsylvania, child labor legislation was hotly contested, resulting in a little gain for the protection of children in both states. The courts maintain an unfavorable attitude toward general restrictive legislation, and unless facts of sufficient strength concerning conditions of safety and health can be obtained and clearly set forth, such legislation is likely to be declared unconstitutional.

From all directions comes the recognition of the need of more careful study of the underlying conditions which require remedy by legislation. Indications are, that, at least in one important field, *health needs* form the key to such study. Coupled with this need of more scientific knowledge, is the desirability of a greater degree of uniformity in legislation between states, and if we take heed of recent movements we come face to face with the beginnings of international labor legislation.

Employers' Liability and Accidents. The greatest interest of the year centered in the subject of employers' liability. The determination of liability for industrial accidents resulting in injury or death, has been the source of much bitterness between employer and employee, and searching discussions of the subject in the last few years have been widespread.

In the United States, we still cling to the old common law test of "negligence," "whose fault was it?" resulting in the outworn defenses of contributory negligence, assumption of risk, and the

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fellow-servant doctrine. This policy, after centuries of trial, has failed entirely in satisfying either employer or employee.

But within the last five years, we are waking to the fact that "fault" cannot easily be determined, and that just as the business assumes the risk of accidents to its machinery, so it must also assume the risk of accidents to its human machines.

On no other subject were there as many bills introduced during the legislative sessions of 1909. In Illinois alone, there were twelve bills before the legislature, none of which was passed. Nine-tenths of these bills in all states were along the old line of modifying the common law liability of an employer by attempting to break down his defences, and in a few states such laws were enacted. During 1909 the legislatures of Idaho, Maine and New Jersey passed general employers' liability acts. These are based on the English law of 1880, and are similar to the existing law in Alabama, Massachusetts, New York and Pennsylvania. They depart from the common law doctrine only in placing additional liability on railroad companies.

Mississippi, Massachusetts, Wisconsin and Michigan, have modified their law by practically abolishing the fellow-servant rule when applied to persons employed in running trains; and Michigan and Wisconsin have modified the contributory negligence defense regarding railroad employees. The Federal government has modified both defenses.

But the real advance of the year is indicated in the rapidly growing sentiment, both among employers and employees, that the injustice and wastefulness of the present employers' liability system must be replaced by some system that will provide insurance or compensation. Minnesota, New York and Wisconsin appointed commissions to study the subject, and to report on a system of compensation for injured workmen.[1]

A most valuable conference on the subject of liability and com pensation was held by these three state commissions, meeting with other experts on the subject, at Atlantic City, July 29-31, 1909.

[1] The New York commission has presented three bills to its 1910 legislature, and the Wisconsin commission has drawn bills for public consideration.

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The meeting was called by the chairman of the Minnesota commission at the suggestion of the American Association for Labor Legislation, and its report is a keen and intensive analysis of the immediate problems of a compensation system.

In the meantime, Massachusetts and Montana are experimenting with compensation schemes. Massachusetts last year extended her 1908 act, which permitted employers and employees to contract for the compensation of accidents, and to release the employer from further liability. Montana established, by legislative act, a state accident insurance and total permanent disability fund, for coal miners and employees at coal washers. The fund is to be made up of contributions from both employers and employees, and is to be managed entirely by state officials. Only permanent and fatal accidents are to be cared for. The act is roughly drawn, and is inelastic as to management. It is weak in that it furnishes no incentive, either to employer or employee, to prevent accident. But it is important, since it is the first legislative act in the United States which makes the payment of trade hazards in private employment a state action. This act received the hearty support of organized labor in Montana. No knowledge as to the success of the venture is yet obtainable, since the law does not go into effect until October 1, 1910, and benefits are not payable until four months later.

Maryland, Pennsylvania and Nebraska have in various ways placed liability on a different basis from the fault of the employer, but these acts have been declared unconstitutional, or are not applicable to our present problem.

With the knowledge of the fundamental importance of complete statistics of accidents in planning a system of insurance or compensation, Minnesota passed two bills to facilitate the work of its compensation commission. One required employers to report to the labor commissioner all known accidents to employees; the other required indemnity, casualty and employers' liability companies to file with the commission, records of all known accidents for a certain period of years. During 1909, Connecticut, Illinois, Kansas, Maine and Texas, required accidents to be reported to the labor commissioner or factory inspector. In Maine and Texas

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the accident statistics must be published. So far, however, the reporting of accidents and the recommendations of inspectors have accomplished but little.

Experience in foreign countries has clearly shown that by establishing a system whereby each accident is compensated regardless of "fault," the employers themselves become their own inspectors. Thus the German associations of manufacturers see that the latest and best machinery is installed in their plants, in order to reduce to a minimum the opportunities for accidents. The reduction of costs due to accidents becomes a financial problem, just as important as reducing cost arising from the breakage of machinery. Human beings are raised at least to a level with other tools of production. The most enlightened public opinion in this country is ready for the change. Will our American courts sustain this opinion?

(*a*) *Pensions.* (*b*) *Regulation of Wages.* (*c*) *Unemployment.* (*d*) *Employment Bureaus.*

The individualism of America is still too pronounced to entertain seriously any of the bills which are frequently introduced providing for old age pensions, for regulation of wages, or for discovering and remedying the causes of unemployment. These subjects have received great attention in England and other European countries, but Americans find it difficult to believe that a thrifty man cannot provide for his old age; that an industrious man cannot always earn good wages, and that there is not "plenty of work in the country."

Old age pensions have been declared too paternalistic for free America, and they have been established as benefits only by private groups within certain industries, seldom securing legislative sanction. Bills providing for state old age pensions are frequently introduced in our legislatures, but they regularly die in committee. In Massachusetts, however, a bill was passed which may prove to be an important contribution in the working out of an American old age pension system. The Boston and Maine railroad, upon petition of its employees, is authorized to establish a pension fund with state supervision. The fund is supplied by equal con-

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tributions from employer and employee, and is managed coöperatively. This measure, prepared under the supervision of Louis D. Brandeis, was most carefully worked out, and has many features that should insure its success. It is essentially democratic in management, with the advantage of state supervision. The act opens the way for an extension of the coöperative system to cover accident and invalidity insurance, if it should be decided that this is the wisest method to follow.

Wages legislation in the United States must be considered in two classes—in public and in private employments. Rates of wages have been regulated only for employees on public works. Such laws are sustained for the same reason that limitation of hours on public work is upheld, that is, the state has a right to define its own contracts with its own employees. A few cities and counties last year designated the rate of wages they would pay, but no state legislation of this kind was enacted.

The laws relating to wages in private employments have to do only with such regulations as time of payment, kind of money used, attachments and disposal of wages. Even these regulations are frequently declared unconstitutional. Missouri last year was compelled to repeal her act providing for the payment of wages in cash; but Oklahoma decreed that some kind of lawful money be used in the payment of wages. Acts relating to the time of payment are found in most states, and have been quite generally upheld by the courts. Oklahoma and Arkansas enacted semi-monthly pay-day laws, and a weekly pay-day on railroads was established in New Hampshire. The New York law of 1908 providing for a semi-monthly pay-day on railroads was contested, but was finally sustained, and last year more adequate penalties were provided to aid in its enforcement. Considerable legislation was enacted regarding liens, assignment and collection of wages.

A bill introduced in Nebraska last year aimed to establish a minimum wage for all employees. It asked for a minimum of nine dollars a week, and provided for additional payment for overtime. Such bills are rare, and the fact that they are usually designated by the majority of legislators as "freaks," indicates that we are still far behind England, New Zealand and Victoria, where

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minimum wage laws are already in operation. Again our individualism declares that we shall not interfere with the right of an employee to contract for as low a wage as he may wish, or rather as low as necessity may determine.

Realizing that no serious attempts have been made in this country to study the causes and conditions of unemployment, New York last year provided for an investigation of the subject, and has appropriated additional funds for the continuation of the study this year. The bureau of labor in Wisconsin was authorized to make an investigation of unemployment, but since no funds were provided, little can be expected from that source.

It is difficult for us to admit any great prevalence of unemployment in this country. The word itself grates disagreeably upon American ears, although a bill was introduced last year in Massachusetts to "provide wages for the maintenance of the supernumerary members of the industrial army of the commonwealth!" Meanwhile we are doing what we can through the medium of state and private employment bureaus. The majority of the patrons of these agencies are ignorant men and women, or foreigners, unacquainted with our methods and hence at the mercy of the employment agent. For this reason supervision of private agencies is becoming more strict, and opportunities for fraud and extortion are slowly being reduced. Such protective measures were passed in Colorado, California, Illinois, Indiana, Utah and Missouri, but under existing laws it is practically impossible to recover damages for illegal treatment. In an attempt to aid persons who are thus wronged, Minnesota last year required private employment bureaus to have in writing, before a fee can be received, bona fide orders from employers. And in case of suit to recover a fee, the refusal to show this order is made prima facie evidence of fraud. In Washington any employment agent who intentionally misrepresents conditions or duration of labor, is guilty of a misdemeanor. But the law in this case establishes no test of "intent," and the abuses of the system are not decreasing. The inspection of licenses, registry fees, records and advertisements of agencies lies usually with the commissioners of labor. Last year Illinois provided for the appointment of a chief inspector of

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private employment agencies, with one inspector for every fifty licensed agencies; Utah placed private bureaus under the supervision of the local authority of the city or county in which they are located.

The evils of the private employment agencies have been so gross that many states have established free employment bureaus. Here, by careful regulation, fraud and extortion are practically eliminated, but some difficulty has been experienced in bringing the man and the job together. For this reason Indiana last year, in establishing her free employment bureau, provided for the publication of a bulletin stating the opportunities and conditions of employment, and Massachusetts required the director of the bureau of statistics to furnish to the clerks of all cities and towns, classified weekly reports of the demand for work. In Michigan the number of state free bureaus was increased from five to eight, and in Oklahoma provision was made for a branch office to be established in the eastern part of the state.

The principle of the state agency is similar to that of the Labour Exchanges recently established in England, but the intensive work which characterizes the British system is sadly lacking in the management of our state bureaus. Partly on this account there has been some agitation for federal supervision requiring interchange of information between the different state bureaus. This would equalize and greatly increase the opportunities for employment, but the administrative difficulties would also be greatly increased.

(*a*) *Trade Disputes.* (*b*) *Railroads.* (*c*) *Mines.*

The labor legislation of 1911 will undoubtedly be influenced by the unusual number and intensity of recent trade disputes, and by the many serious accidents in mines and on railroads. Previous legislation on these subjects has not been particularly effective. As to trade disputes, many states have provided boards of arbitration to deal with these troubles, and Maine and Colorado enacted similar legislation last year; but this method of compromise has given but little satisfaction. The Canadian industrial

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disputes investigation act has appeared to many to offer a practical solution of the difficulties, but when Wisconsin attempted in 1909 to pass a bill modeled upon that act, no agreement could be reached between economists, trade unionists, socialists, manufacturers and other interested citizens.

We are scarcely more united on methods of legal protection from the blacklist or boycott, or on what constitutes restraint of trade or conspiracy. California and Montana last year exempted labor in a large degree from the operation of the state restraint of trade laws, but Washington has decreed that a conspiracy exists when two or more persons interfere or threaten to interfere with the trade, tools, or property of another, and proof of an overt act is not necessary in case of suit. North and South Carolina, Texas and Connecticut last year joined those states which attempt to protect discharged employees and trade union members from unfavorable discrimination.

The decision handed down in the boycott case of the Danbury Hatters, awarding Loewe & Co. $222,000 damages, is likely to stimulate this country to establish some definite policy on this subject, as the Taff Vale decision in 1901 stimulated England. It may become necessary to determine whether we will follow the British policy by defining the rules of the game in order to let the contestants fight it out, or the New Zealand policy of protecting workingmen by the enactment of special rules.

The inadequacy of our safety requirements for railroads is amply illustrated by the constant occurrence of serious accidents. The state regulation of hours of labor, either for telegraphers, or for conductors, enginemen or brakemen, is apt to be declared unconstitutional, as in conflict with the federal regulations. The Texas law passed last year has already been thrown out by the courts.

The need of a complete revision of mining laws led Illinois to appoint a commission of nine men to draft a code for the safety of miners in that state. A similar commission was appointed in Arizona. Improved ventilation, greater safety in construction, regulation of blasting and firing, and more adequate inspection, were the subjects of laws in several states. The National Asso-

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ciation of State Mine Inspectors inaugurated a movement last year for greater uniformity and more scientific care in mining legislation, and through the Association for Labor Legislation an international mining commission has been formed.

Hours of Labor: (a) Men. (b) Children. (c) Women.

Since the beginning of the nineteenth century, workmen in this country have continually agitated for a reduction in the hours of labor. The eight-hour movement of the sixties, revived again in the early eighties, only to meet a set-back as an organized movement in the Chicago Haymarket riots of 1886, is still a cherished cause of the working people. During these years the courts have quite generally upheld the right of the state to say what the hours of labor on public works shall be, but they have disagreed as to the constitutionality of laws limiting the length of the working day for adults in private employments.

The principle of limitation of hours of labor for children is no longer disputed, since the state unquestionably has the power to protect the health of its own wards. The right to limit the hours of labor for women has been admitted mainly on the ground that for the welfare of the state, the health of women must be protected. But this right is still questioned, unless adequate proof of injury to health can be established, and unless the law proposed is not, in the minds of the court, too great a restriction upon the freedom of the women to contract for longer hours.

An eight-hour day for men in the mining industries has been sustained by the courts, on the ground that long hours in those industries are dangerous to the health of the men employed. Following the principle thus set forth, most of the mining states have enacted eight-hour measures. Last year Arizona, California, Idaho, Washington, Wyoming and Nevada enacted or amended eight-hour measures for employees in mines, smelters, and ore reduction works. In Missouri the eight-hour act for telegraphers and train dispatchers was held to be in conflict with the federal law, and was repealed.

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The law relating to eight hours for public employees was strengthened in Oklahoma and New York, and enacted anew in Wisconsin. This measure in Massachusetts had not been effective, and it was desired last year to enact a new measure which would increase the penalty for violation, make the presence of a laborer at work overtime prima facie evidence of guilt, and which would not "permit" employment for more than eight hours a day. The bill passed both houses, but the governor refused his signature. The weaknesses of the Massachusetts law illustrate a not uncommon defect of our limitation acts, great enough in some cases to render the law entirely inoperative.

To give an accurate analysis of the limitations placed upon the hours of work for children, interwoven as they are with varying age limits, with specified dangerous industries, with night work and with compulsory education, would require far more space than is here permitted.[1] But a survey of the legislation of last year indicates many small gains and several of special importance. Hours were shortened in Michigan, Delaware, Maine, Kansas, Oklahoma, North Dakota and Rhode Island, and in several of these states the age limit was raised. Special effort has been made to shorten hours in the textile industry, and Massachusetts and Rhode Island, by fifty-six hour acts passed last year, now lead in this movement.

In addition to shortening hours and raising the age limit, many states are excluding children entirely from work in certain dangerous occupations. In Oklahoma, New York and North Dakota a large number of trades were closed to children. This kind of legislation is increasing as the knowledge of the dangers of certain industries becomes known. In Pennsylvania an unwarranted amount of discretion was left to the factory inspector as to which of the poisonous and unhealthy trades are injurious enough to exclude children of 14 years. Night work has been considered dangerous employment, and last year Delaware, Kansas, North Dakota, Michigan, Oklahoma and California prohibited the employment of children under sixteen in hotels, restaurants and in

[1] For a most graphic and comprehensive study, see volume on "Child Labor," recently published by the American Association for Labor Legislation.

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the messenger service. In Pennsylvania, as in New Jersey, West Virginia and Indiana, the attempt to prohibit night work of children was defeated, principally because of the opposition of the glass manufacturers.

Workers for child labor legislation have been wise in realizing the necessity of careful provisions for the administration of the law, and they have attempted to remove such hindrances as the inability to secure accurate proof of age, the careless granting of work permits, and the inadequate inspection of factories. Michigan, Maine and Iowa have required more adequate proof of age, and more careful inspection was provided for in Delaware, Washington, Minnesota and California. In South Carolina the appointment of factory inspectors has resulted in the eviction of over a thousand young children from the factories and mills of that state. The inspection of mercantile establishments in New York has heretofore been under the state board of health. For seventeen years those interested in the protection of children in that state have worked for the transfer of this authority to the state's factory inspection department, and last year the change was made.

One of the most important gains of the year occurred in Pennsylvania. The granting of work papers was transferred from the court officers to the public school authorities. This is a strongly contested point in several states, and the change in Pennsylvania has resulted in the return to school of hundreds of illiterate children.[1]

But little was accomplished for children in the southern states, although the outlook for the next year's sessions is encouraging. A vigorous campaign is being undertaken to make legislation in southern states more uniform with that of the northern states.

The attempt to enact ten-hour laws for working women has been greatly stimulated by the decision of the United States supreme court in 1908, declaring constitutional the Oregon ten-hour law for women in mechanical establishments, factories or laundries. In Illinois last year the Oregon law was copied and presented to

[1] See *Child Labor*, published by the Am. Ass'n. for Labor Legislation.

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the legislature. It passed both houses and was signed by the Governor. But when the state factory inspector attempted to enforce the act, he was restrained by an injunction, although the law has, in April, 1910, been upheld as constitutional by the supreme court of Illinois. Oregon in the meantime has increased her list of restricted employments.

Ten-hour laws for women were also enacted in Maine, Rhode Island, Massachusetts, Minnesota and Michigan. In Missouri, where the hours were limited to nine a day, several amendments and exceptions were added, and the bill signed by the governor was not the one passed by the legislature. The status of the law is not yet determined, but its constitutionality has already been challenged. The Michigan law which further limited hours to fifty-four a week, excepted canneries and fruit preserving establishments, and on this account its constitutionality is being contested

Recognition of the fact that certain employments are especially dangerous to the health of women led New York and Ohio last year to exclude women from employment in operating emery polishing or buffing wheels. On the same principle, the night work of women was prohibited by Michigan and Missouri. Laundry work in Arizona was limited to eight hours a day; and work at switchboards on public telephones, to nine a day in the larger towns of Montana.

The acceptance of the principle that some industries are more injurious than others forms the starting point for a scientific grading of all industries according to the degree of the injury inflicted upon the workers employed. In order to protect further the men, women and children in dangerous employments this knowledge must be ascertained and brought to the attention of our legislatures and our courts. A thorough study of industrial hygiene is much needed.

Health, Safety and Comfort of Employees

Protective legislation, and especially that providing for the health, safety and comfort of employees, received last year considerable attention. Conspicuous among such measures are the

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Illinois and the Colorado factory inspection acts. The Illinois bill was drawn up by a commission of nine men,—three employers, three employees, one physician, one attorney, and one "disinterested" person. The law provides for the protection of dangerous machinery and places, for seats for female employees, for protection from injurious fumes, gases, or dusts, for air space and general cleanly conditions, and for proper fire escapes. The Colorado law was modeled after the Illinois act, and contains many similar provisions.

Inseparable from the law itself is the provision made for its enforcement. When the enactment of such a comprehensive measure as the Illinois act is accompanied by a reduction of $10,000 in the annual appropriation for the factory inspection department, the effectiveness of the law is necessarily greatly diminished. The Texas act of last year, authorizing the state board of health to inspect factories, is entirely inoperative, because of the failure of the legislature to provide funds for its enforcement.

Just as serious as this financial failure, and much more common, is the failure to establish scientific standards by which laws may be intelligently and efficiently enforced. Both the Illinois and Colorado acts contain such general and indefinite requirements, as elevators and hatchways must be "sufficiently" protected; a "reasonable" temperature must be maintained; injurious gases, dusts and fumes must be eliminated "as far as possible;" power machines must be safely located and protected "whenever possible" and "where practicable;" and similarly the regulations for the safety of men employed in building constructions enacted last year in Montana provide for "good substantial" temporary floors, for a "well secured" planking above scaffolds, and for "properly protected" elevators, openings and flues. Even though the inspector and employer might come to an agreement as to what constitutes proper and safe protection, reasonable temperature, adequate ventilation, or injurious gases, unless the inspector were an expert on these subjects, even his best judgment might prove false. Indeed, effective enforcement of many of our laws would require the inspector, in addition to his already heavy

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duties, to be at least a good machinist, a sanitary expert, a construction engineer, and a medical man.

After many years of struggle, California enacted a law which defines clearly the contrivances to be used in the removal of injurious dusts and gases. And the fire escape provisions of Colorado and Pennsylvania are specific in their requirements, although the latter act places considerable discretion in the hands of the chief factory inspector. The laws which were enacted last year in Arizona, Illinois and Minnesota, define the amount of air space per person in workrooms, and indicate a step in advance of those laws which provide merely for "sufficient" air space.

But we have still another step to take. Shall the air space or the devices of ventilation be the same for match factories, where the poisonous phosphorous fumes fill the air, as for paper box factories, where there are no dangerous fumes or gases? The answer to this question comes to us through the study of an occupational disease. Recognizing that the more injurious occupations require a different degree of regulation than those less harmful, New York made a special study of work in compressed air, and enacted an excellent law which regulates the conditions of employment for underground workers in compressed air, as in tunnels and caissons. Unless the change from the compressed into the normal air is made very gradually, the men are seized with an illness, which usually results in permanent disability or in death. To prevent the occurrence of this disease, the New York law of 1909 regulates the air pressure per square inch, the hours a worker may remain in a given pressure, the intervals between work periods, and the rate of compression on workmen in outgoing locks. In addition, strict medical supervision of the men is required at regular intervals.

Another recognition that certain trades need special regulation, is the Minnesota law requiring factories, where women and children are employed at dusty work, to be lime-washed or painted "once in every twelvemonth;" the floors must be thoroughly cleaned with soap and water "at least once in six months," and the closets "once in every week." These definite requirements

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contrast favorably with the usual undefined provision that workrooms and closets "must be kept clean."

Beyond question labor legislation in order to be effective, must be based upon the ascertained facts of the conditions pervading each particular industry. This involves first of all a study of occupational diseases and the stanardization of occupations on a health basis. The labor problem in one of its most important phases thus becomes a health problem, and the fundamental purpose of scientific labor legislation, the conservation of the human resources of the nation.

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CITIZENSHIP FOR THE PORTO RICANS

ROLAND P. FALKNER

Commissioner of Education of Porto Rico, 1904-07

An inexhaustible topic for political discussion in the Island of Porto Rico is that of citizenship. Every Porto Rican who occupies himself in the slightest degree with public affairs declares it as one of his chief grievances against our government, that it has failed to make the Porto Ricans citizens of the United States. Many features of the Spanish rule he recalls without regrets but he never fails to impress it upon you, especially if you are an American, that before 1898 he was a citizen of Spain, and that his representatives sat in the Spanish cortes. Republican United States he declares has been less generous to him than monarchical Spain. It seems to him a plain matter of justice that he should be made a citizen and he cannot understand the apathy of the United States towards the entire question, and least of all the active antagonism to his aspirations which appears when the matter is galvanized into life by executive recommendation or congressional proposal.

The question which appears to the Porto Rican clothed in the utmost simplicity is in fact highly complicated. It appears to involve the whole question of the present and future relation of the United States to its non-contiguous possession and because we have declared no policy which has the unanimous support of public opinion, we are reluctant to take up questions which seem to open up this whole matter for discussion and decision. Citizenship and political status are two ideas which have been so closely associated in the minds of the Porto Rican leaders that it is difficult for them to divorce them. They are not alone in this view for it has appeared prominently in such discussion of the matter as has taken place in the congress and in the public press of the United States.

While there is undoubtedly some sentiment in Porto Rico in

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favor of citizenship in the United States based on the general consideration briefly indicated in the introductory paragraph, there can be little doubt that in the minds of the political leaders who have kept the matter before the people the interest in citizenship is subsidiary to other political considerations.

However they may vary in other matters, and however much they may assail one another, the political parties of Porto Rico unite in one common aspiration, namely, the greatest possible control of their local affairs, with the least possible limitation or restriction of such control by federal law or federal officials. One party which at the outset controlled the legislature and, which even after it had lost its leadership, controlled to a certain extent the tone of political discussion, hoped for this greater measure of local control, by the closest approximation to the United States and incorporation in its political system. To them citizenship was only the first step on a path which should lead through an organized territory to statehood and membership in the Union. It is no reflection upon them to maintain that the end was dearer to them than the means. The political party which followed, and which is now in the majority throughout the country took up the demand for citizenship, and has not officially abandoned it. So far as it is possible for an American to grasp the subtile distinctions between the Porto Rican parties, it may be said that the latter is veering toward the ideal of the greatest possible local autonomy with the loosest possible relations with the United States. Some of its leaders are less insistent than before on citizenship. If the ideal of one party is local self-government through statehood, the aspiration of the other seems to be local self government without statehood. That the plea for citizenship is less consistent with the latter, than the former ideal is beginning to make itself felt.

There can be no doubt that in Porto Rico and in the United States there is a great body of public opinion which inclines to the view that the grant of citizenship would carry with it the implied promise of ultimate statehood. Needless to say that those who share this view in the island count among them the most enthusiastic advocates of citizenship, while those who hold it in the

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United States are generally counted as the most determined opponents of it. Assuming for the moment the correctness of this position, how does it effect the question in the minds of the people of Porto Rico and the United States respectively?

In Porto Rico the idea that the island should become a state of the Union, is popular with those who see in such a development, the most complete realization of their ideal of local self-government, and are not distrustful of the attitude of our government towards them. But there is a less numerous contingent utterly antagonistic in thought to things American, who might be disposed to think that self government purchased at the price of such absorption in the United States was too dearly bought.

If citizenship for Porto Rico implies that after passing through a longer or shorter novitiate as an organized territory after the style of Arizona and New Mexico, the island shall become a state of the Union, the islanders might well pray that no ill-advised friends should secure it for them. Such action might indeed secure them local self government but would bring governmental bankruptcy in its train. The prosperity of Porto Rico as a body politic, the fact that it enjoys good credit, can borrow money for public improvements, that without borrowing it can maintain and operate systems of roads and schools far more extensive than anything known under the old régime, in short that as a government it can do things, rests upon grants direct and indirect of federal revenue. Turning over to the insular treasury the proceeds of the federal customs, and declaring that the internal revenue laws of the United States shall not be applicable until so ordered by congress, thus permitting a system of insular internal revenue, has given to the Porto Rican government the resources with which to develop an effective administration. It seems most unlikely that congress would grant to the island the status of an organized territory, giving it such rights and privileges as pertain to that form of government, without imposing upon it the duty of contributing as do other territories to the national treasury. If Porto Rico like all other territories were thrown wholly upon its resources of local taxation its government would crumble to pieces under present conditions. Self-government might be attained, but there would be little left to govern.

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It might be argued that all this would not necessarily happen so soon as the island became an organized territory, that it might still continue to enjoy its peculiar fiscal privileges. Those who hold that territorial organization would follow citizenship argue from precedent and tradition, rather than from the precepts of the constitution, and if their arguments be accepted it parallels their contentions to point out that up to the present time no organized territory has enjoyed these federal sources of revenue. But tradition is guiding, not binding. It is conceivable that new conditions might dictate a departure from habitual practice.

Moved by a consideration of the special needs of Hawaii, President Roosevelt in one of his messages, suggested that that territory be granted for its better development the customs duties collected in the island. With this recommendation there was no suggestion that the political status of the territory be changed. While nothing in the way of legislation has followed, the suggestion indicates that constructive statesmen have contemplated the possibility of an organized territory supported in part from the proceeds of federal taxation, and we cannot therefore dismiss it completely. Should this, to our mind improbable, course to be pursued, it would not be organization as a territory, but later organization as a state which would be disastrious to Porto Rico under present conditions, since it is inconceivable that a state of the Union should occupy so privileged a position with respect to taxation. The time may come when the growth of wealth in the island will be such that from its local resources it could support a government as effective as that which it now possesses, but the day is by present prospects still far off.

Those Porto Ricans who look forward to statehood after passing through a territorial form of government, have given little thought to the fiscal difficulties with which such a course would menace them. They share the common traits of the Latin races of being more solicitous of the forms of liberty than of its substance.

To those in the United States who are inclined to this manner of thinking a series of questions present themselves whose discussion is far from palatable to the Porto Ricans. Is it desirable, it is asked, to admit into the Union with full political rights and privil-

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eges, communities in which the English speaking element is the merest fraction, and which have racial antecedents so utterly diverse from the dominating element in our own body politic? And again it is questioned, Are the Porto Ricans ripe for self-government, and for that complete local control of local affairs which statehood implies?

The first question is one on which we have had no definite formulation of public policy and have thus far pursued, a temporizing policy, though it must be confessed that there is an instinctive negative to the question in the public mind. So strong is this feeling that it once arrayed itself against the acquisition of these outlying possessions. There are still isolated thinkers, who, being convinced that under our constitution we cannot rightfully govern these regions otherwise than we do the continental portions of the United States, and who, being equally convinced that thus is undesirable, expend their energies in devising ingenious schemes for the United States to get rid of its several possessions across the seas. Opposition to the retention of our noncontiguous possessions is no longer perhaps a phase of public opinion to be reckoned with, but opposition to a complete incorporation of these regions with the American body politic as we have hitherto known it is wide spread. It rests upon a perfectly comprehensible reluctance to take with the Union, elements which it is feared will not be readily assimilable.

This view of the matter is general, not specific. It is based as concerns Porto Rico not on any question of fitness but on a sense of difference. It contemplates the possibility that the direct control of the United States over the islands and litoral of the Caribbean Sea may grow in extent, and hesitates at what might become a precedent for the future. Gradually the sentiment which looked with disfavor upon anything like a colonial system for our government is giving way to the conviction, that some species of colonial relation is the only one which can be thought of for many years to come, if not for all time.

There are others who take a different ground. Disregarding the larger question, they contend specifically that Porto Rico is not fit for organization as a territory on the basis of Arizona and New

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Mexico, and cannot hope to be fit for statehood perhaps for generations. Those who hold thus do not base their convictions upon the fiscal aspects of the case which already received consideration nor on the general social and intellectual conditions which prevail in the island. They have fears for the future of a democracy in which three-fourths of the electors are unable to read and write. The democracy which underlies our constitutions is based not upon the intelligence of the leaders, but upon the diffusion of intelligence among the mass of the people. It would be entirely unjust to deny to the upper classes of the Porto Rican society a high degree of intelligence and a certain capacity for public affairs. They are of course temperamentally different from ourselves, and often see things in a different light. With the best of intentions in the world on both sides, it is often difficult for Americans and Porto Ricans in the island to come to a mutual understanding.

But this should not blind us to their ability.

Considering the limited opportunity under the old régime for participation in public life except in the negative role of the malcontent and occasional insurgent, and the short time they have enjoyed any constructive part in affairs, they have done extremely well. But it must be confessed that with a high degree of intelligence they naturally show little acquaintance with the forms and habits of popular government, and sometimes little comprehension of its proper spirit.

Inexperienced legislators, men who do not, to use a colloquialism, know the rules of the game, are far from unknown in the legislative bodies local, state and even national of our country. But each body here contains a nucleus of men fitted either by training or experience for the delicate task of legislation and these are apt to dominate the body. Porto Rico lacks such a nucleus, and of the body of legislation which has been placed upon its statute books since 1900 very little has originated in the lower and popular house. These laws which had their birth in that body were as a rule put into proper legal form by the upper house or executive council.

The intimate history of the Porto Rican legislature, would reveal some amazing episodes of parlimentary practice. At one

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session of the legislature, the members of the dominant party took the ground that it would be discourtesy not to pass any bill introduced by a party associate. Everything went through and it was left to the upper house to smother in committees a considerable number of measures, which should have received this charitable treatment in the lower house. During the same session the speaker of the house introduced a bill prepared by an outsider. When it came up for action he stated he had not read the bill, but it was duly passed. Knowing these circumstances the upper house did not hesitate to amend it generously, but when it was returned to the house, the putative father of the bill was incensed at the rather wholesome amendment and denounced the upper house for seeking to change in this manner the character of the proposed legislation.

A council bill having been favorably reported in the house, the suggestion was made that it probably contained some concealed trick which had escaped attention. The chairman of the committee which had reported it immediately rose and moved that the bill be indefinitely postponed.

The effort of the house leaders to force through measures objectionable to the upper house, but declining to vote appropriations unless their measures were accepted, led to the adjournment of the legislation of 1909 without any provision for the fiscal year 1909-10. The disagreement was brought to Washington and after a patient hearing of both sides, the president recommended to congress, then in extra session, that the organic law be so amended as to prevent such a condition of affairs from arising in the future. In this message the president dealt forcibly with the whole situation. He recommended specifically that the absolute power of appropriation be "taken away from those who have shown themselves too irresponsible to enjoy it." "When we," he says, "with the consent of the people of Porto Rico assumed guardianship over them, and the guidance of their destinies, we must have been conscious that a people that had enjoyed so little opportunity for education could not be expected safely for themselves to exercise the full power of self-government; and the present develop-

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ment is only an indication that we have gone somewhat too fast in the extension of political power to them for their own good."

As a result of the president's message the Olmsted act of July 15, 1909 was passed, which provided that if "at the termination of any fiscal year the appropriation necessary for the support of the government for the ensuing fiscal year shall not have been made an amount equal to the sum appropriated in the last appropriation bill for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purpose aforesaid."

It will be noted that this bill does not specifically say that the sums appropriated for each specific purpose shall be re-appropriated, indeed such a law would continue if enacted in this form, appropriations of a purely temporary character.

The phraseology of the law follows the language of the Philippine act concerning which the governor in his annual report says, it was, "evidently intended to provide an amount equal to the whole amount and allow the governor more latitude in authorizing payments. This latter plan is preferable, as there were in our case certain appropriations in the bills of the previous year which were not necessary for this coming year, such as expenses for completing the work of the code commissions, elections, etc., while on the other hand certain other appropriations had proved inadequate for the services for which they were provided, and it was imperative that greater amounts should be allotted. Among these were the appropriations for fees for witnesses and jurors, salaries for the district courts, and for the maintenance of the police force."

The attorney-general of Porto Rico interpreted the law in the sense above indicated, and appropriations were made by the governor and executive council on this basis.

When, in the legislature of 1910, the house of delegates received from the executive council the appropriation act it passed on January 31, 1910, an extensive resolution reciting its view that the Olmsted act intended that the appropriation act for the previous year should continue in force automatically in its entirety and detail, that the governor and executive council arrogated to them-

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selves the power to construe the act as they saw fit declaring that the house was without power to intervene freely and effectively in the consideration and approval of the budget for the fiscal year 1910–11 or of any other succeeding budget. It then continued with the following statement and resolution.

"But as the House of Delegates harbors not the slightest purpose of blocking the good administration of public affairs and prefers to make the greatest sacrifice rather than its conduct be wrongfully appreciated, misjudged and be the cause of evils and useless disturbances to the island, the house resolves:

I. To approve the appropriation act for the fiscal year 1910–11, just as it was passed by the executive council, without discussion thereon or revision thereof, with the understanding that the house, in so acting, fulfils a painful patriotic effort of prudence and wisdom.

II. To protest before congress of the United States against the construction placed upon the Olmsted act by Governor Regis H. Post and by the executive council, as constituted in June, 1909, subordinating it to their judgment and rendering the same so unnatural as to convert it into an instrument to be used at will by the insular government.

The house of delegates trusts that the congress of the United States will give its very best attention to the fact that a governor and an executive council in Porto Rico were able to render unnatural and to misconstrue a law of the United States without any respect whatsoever not only for this country but for the national supreme legislative authority as well.

The House of Delegates, without the remotest intention of rebellion, denounces that governor and that council and awaits justice from the congress of the United States."

In accordance with the resolution hereinabove inserted, and in the manner therein stated, the House of Delegates has passed, without amendments, Council Bill No. 1 entitled "A bill making appropriations for the necessary expenses of carrying on the government of Porto Rico, for the fiscal year ending June 30, 1911, and for other purposes."

In this extraordinary document both the substance and the

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form may well attract attention. In effect the house of delegates declares it has been shorn of all power to effect the budget. If it makes the slightest amendment the council can simply refuse to concur, bring about a disagreement, and then under its interpretation of the Olmsted act make up any budget it sees fit. This is a possible but an extreme interpretation. Under existing law as interpreted by the government, the right of the house of delegates to intervene in a constructive way in the formation of the budget is not impaired, but it cannot use its right any longer to obstruct legislation. The house assumes in this document that the council will do what it essayed to do in the last session, namely use the letter of the law to promote friction in government instead of using its spirit to promote harmony. The language of the document in which one partner in the work of legislation roundly berates the other, gives it an unique place in parliamentary practice.

The instances which have been introduced, however striking, are not merely sporadic cases. They represent in forcible and concrete terms the ineptitude of the Porto Ricans for the work of legislation. They show a lack of acquaintance with the methods and forms of parliamentary action which are, it is believed, characteristic. But again let it be emphasized that this does not in itself imply any lack of intelligence. One cannot blame a physician that he is not a lawyer. These men, leaders of their respective political parties have not been trained in parliamentary forms.

The leaders of thought and opinion whether in public office or out of it, are few, the followers many. Bossism in its most aggravated form is the characteristic of public life. It cannot be denied that other communities than Porto Rico have their bosses. But the difference lies in the absence of any considerable number of independent voters, voters independent in thought as well as in their party associations or lack of them. This is the natural result of the electorate which has been described. If the hope of democracy lies as has often been stated in the middle classes, it cannot expect much from Porto Rico in the way of true democracy until it develops a middle class. There is a very small upper class without much training in public affairs but with considerable in-

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telligence and education, but the great mass of the people are sunk in ignorance. This creates a situation in which it becomes dubious how far the results of an election express the popular will. It is difficult for the upper classes to realize this profound distinction between their country and ours. They have very few men whose education would fit them to take any part in public life, and of this small number only a handful have had any training or experience in public affairs. That an American congress should consider them unfit for complete local self-government is scarcely surprising.

If then citizenship for the Porto Ricans means self-government through acquiring the status of an organized territory it is difficult to see how any intelligent Porto Rican should desire it, or how any intelligent American should favor it. If, on the other hand, citizenship implies self-government without necessarily implying any change in the fiscal arrangement which the island enjoys and can readily understand the enthusiasm of the Porto Ricans for it. Under such circumstances the attitude of congress and of public opinion might well undergo some modification.

Citizenship and self-government would not then be feared for any possible consequence which it might have for the United States, but only for such results as might ensue in Porto Rico. Those who might be sure they did not wish to take any chances by taking steps leading towards the incorporation of Porto Rico in the United States might feel more readily disposed to grant the oft-expressed petition of the Porto Ricans that they be given an opportunity of demonstrating their fitness for self-government by actually exercising it. But in considering any substantial modification of the form of government of Porto Rico in the direction of greater local self-government, it must always face the probability that when the United States withdraws its control of insular affairs it will also withdraw its financial support.

The arguments for and against citizenship which have been considered, are based upon the assumption that in some form self-government must follow citizenship. This assumption rests wholly upon tradition and has no standing in constitutional law. Citizenship in the United States does not under the constitution confer any political rights whatsoever.

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It must be remembered that we Americans have a double citizenship in the state and in the nation. But so far as we enjoy political rights they come to us through our citizenship in the states. Only as such have we a voice in national affairs. The constitution of the United States makes no qualifications for the privilege of voting, and provides only that the qualifications for electors in voting for members of congress shall be the same as are required in elections for members of the lower houses of the state legislature. It is quite competent for the states to deny the privilege of voting to persons who are citizens of the United States and all but a few states do deny such privileges to feminine citizens. It is equally competent for the states to confer the privilege of voting upon those who are not American citizens, and some states do in fact permit foreigners who are not fully naturalized to participate in the ballot.

Citizens of the United States who are not residents of states have only such political privileges as the congress may by statute confer. In the organized territories the people have no voice in the selection of the territorial governor who is appointed by the president. In the District of Columbia the people have no franchise whatever, and no voice through suffrage in the conduct of their public affairs. It is therefore perfectly competent for congress to make the Porto Ricans citizens or provide a machinery for so doing, without changing in one iota the present form of government, or, if it so elects, to reduce much below what it now is the participation of the people in public affairs. These considerations change wholly the aspect of the case both from the view point of the Porto Ricans and from that of the United States.

If the grant of citizenship must be dissociated from political privilege, and holds in itself no promise of any different organization of the body politic, why should it be desired? It must be conceded that from the standpoint of the Porto Ricans the reasons are largely those of sentiment. In public affairs sentiment is not to be despised and the desire of the people to be associated definitely with one of the great nations of the earth is commendable. They had a pride in the fact that they were Spanish citizens, and many of the good people among them feel to day that they are

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without a country. There seems to be no good reason why this situation should endure. We cannot expect the fullest measure of sympathy with our aims and purposes in the island while we deny its people the right to call themselves citizens of our country.

Is there then from the point of view of the United States any good reason for withholding the grant of citizenship? What good purpose is insured by withholding this gift? None, if we can eliminate the groundless fear that we may thereby be opening the door of statehood. If there is nothing to be gained by withholding the grant, what is there to be secured by conferring it?

The most important result of such action would be a definite notice to all concerned that the United States does not contemplate the possibility that the political union of Porto Rico with the United States shall be dissolved. It could not well abandon its own citizens, even if it were disposed to do so. Such action would be beneficial to the island. It would put an end to the delusion from which some of its people suffer that the presence of the United States in the island may be only temporary and would put a quietus upon a fruitless but disturbing discussion of independence which sometimes breaks out there. In the United States it would put an end to the dreaming of those who spend much valuable time in formulating reasons why we should rid ourselves of the embarrassment of insular dependencies and in devising ingenious methods for so doing. In short both in Porto Rico and in the United States it would clear the atmosphere.

If the thing is to be done, interest centers in the method. The obvious way is by a simple act of congress to declare the citizens of Porto Rico to be citizens of the United States. We have heretofore fought shy of this obvious method because we have feared the political implications which we have supposed to be bound up with it. But there is another objection to such a measure which is founded upon questions of insular rather than of national policy. It is, that such a gift outright of American citizenship affords us no opportunity to test the sincerity of the demand of the Porto Ricans for it. Ex-Governor Post has pointed out that, while there has been no formal expression to the contrary, public opinion is not unanimously in favor of citizenship. The demand

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for citizenship appears in many cases as a pretext for political agitation, and many who favor it at the behest of political leaders have little conception of what it means and little sympathy for it. The writer remembers one of the visits of Speaker Cannon to the island and the impassioned pleading of the speaker of the house of delegates for citizenship. It was the next day that the same house of delegates passed a bill on the subject of English teaching in the public schools, prescribing that English be a subject of study, but prohibiting the schools to be conducted in the English language as was then already the practice in all the larger communities. The contrast was too striking not to make a deep impression.

If there is even a considerable fraction in the population who do not desire citizenship it would be a mistake to give it to them. It would give color to the cry of a forced Americanization of the island which it is most desirable to avoid. Americanization, whatever that may mean, can only come with the consent and coöperation of the islanders and defeats its object when it has compulsion behind it.

The suggestion of ex-Governor Post that the citizenship be granted not to all Porto Ricans but to those who express a desire for it has much to commend it. It would better meet the state of public feeling in the island than would a blanket citizenship. It would moreover be far more acceptable to the United States to those who cannot convince themselves that citizenship is not necessarily the first step towards statehood.

Such a measure puts a higher value upon citizenship. It makes it a thing to be sought after rather than a free gift. It would put each Porto Rican upon record as expressing his personal desire for a more intimate union in thought and feeling with the United States. Nor would there in the opinion of the writer be any objection to offering as it were a reward for right feeling. A provision that after the lapse of five years none but American citizens could hold elective office, and a further provision that after the lapse of ten years none but American citizens should be qualified to vote would offer obvious inducements for registration. It is believed that on the plan here outlined citizenship could be granted in

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Porto Rico with the maximum of justice to the reasonable demands of her people and with the minimum of inconvenience to the people of the United States.

So far as the question of citizenship is concerned the bill prepared in the war department for the government of Porto Rico which at this writing (February, 1910) is under consideration before the house committee on insular affairs, is framed upon the lines of the foregoing exposition, inasmuch as it makes citizenship optional, though offering inducements, yet proceeds to curtail the self-government of the Porto Ricans as though no question of citizenship had been raised.

This bill provides that any citizen of Porto Rico, may by the appearing before the proper court and taking the oath of allegiance to the United States become a citizen of the United States, and receive a certificate to that effect. The measure there provides, somewhat too drastically I am disposed to think, that "after two years from the date of the approval of the act, no citizen of Porto Rico shall hold or be eligible for election or appointment to any office under the government of the United States or the government of Porto Rico who is not a citizen of the United States." It is further provided that after the general election of 1910 none shall exercise the right of suffrage in Porto Rico who are not citizens of the United States.

This is individual rather than general citizenship. It requires for each adult citizen a personal act to become a citizen of the United States. If he has deep rooted objections to such a course he can simply stay out. But in doing so he must give up participation in such political rights as are granted to Porto Ricans by congress.

The exclusion from all political rights within so short a period of those who do not elect to become citizens of the United States, indicates the purpose of the bill that citizenship in the United States shall soon become widespread. It contemplates that within a brief period all admitted to the political life of the island shall be citizens of the United States. But search as we may we hardly find in the measure a recognition that such citizenship should carry with it a larger right to participate in the political life of the island than is now accorded to the people of Porto Rico.

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The measure is a complicated one, full of details which only those familiar with conditions in Porto Rico would have the patience to study in all its aspects. In general it can be said of it, that while it apparently increases the degree of self-government in legislation by substituting in the law-making body a senate constituted largely but not wholly by appointment, which will be Porto Rican in membership, for the present wholly appointed mixed American and Porto Rican executive council, it restricts the power of the legislature by reducing it to biennial sessions, and by legislating directly by congress on a considerable number of topics heretofore left to the local legislative body.

Should this measure become a law, the question of citizenship will pass from the realm of academic discussion to that of practical achievement. But it will at the same time give force to the view that our political system is one in which diversity as well as uniformity must have a place. It will embody the principles that our dependencies must be governed in relation to their own needs, rather than by reference to political traditions derived from a historic past in which modern conditions had no counterpart.

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RECENT AND PENDING CONSTITUTIONAL CHANGES IN ENGLAND

EDWARD PORRITT

There are two obvious reasons for welcoming a new and revised edition of Sir William Anson's "Law and Custom of the Constitution."[1] The first edition was issued twenty-four years ago. The preface is dated March, 1886; so that the book must have been passed for the press within a few months after the first general election that followed the extension of the franchise and the redistribution of seats due to the legislation of 1884 and 1885. In the intervening years—1885–1909—there have been great changes in the general political conditions of England—changes which mainly affect the constituencies. There have also been large additions to the permanent work of many of the state departments—notably the home office, the local government board, the board of trade, the department of education, and the department of agriculture. Moreover resulting from these additions to the permanent work of the state departments and the increasing complexity of political conditions in the constituencies, there have been sweeping changes in the procedure of the house of commons—changes which by 1909 had made the cabinet practically dominant in that chamber. In this period too, and resulting partly from the changes in the constituencies and partly from changes in procedure in the house of commons, the house of lords came into a new relationship with the house of commons; and this change brought about the convulsion into which England was thrown almost at the time that Sir William Anson's last volume on the *Law and Custom of the Constitution* was passing through the press.

These changes in political conditions,—these additions to the

[1] *The Law and Custom of the Constitution.* By Sir William R. Anson, Bart. D. C. L., In Three Volumes. Fourth Edition. Oxford; At the Clarendon Press New York; Henry Frowde. 1909. PP. xxvi, 404; xxiv, 347; xxxii, 283.

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functions of the state departments which bring them all into increasingly closer touch with the people; and these changes in the procedure of the house of commons and the altered relations of the two houses, would of themselves guarantee a welcome for a new and revised edition of Sir William Anson's classic treatise. But there is still another reason at this time for rejoicing in the new and revised edition. Between 1886 and 1909 there were large and exceedingly valuable additions to the sources on which a great treatise on the working of the constitution of England must be based. These new sources easily fall into two classes—political memoirs and monographs concerned with particular sections of the machinery of government. Additions to each class since 1886 have been numerous and valuable, and this is especially true as regards political memoirs. For the study of the nineteenth century development and of the modern working of the constitution there was in 1908 and 1909 more than twice the volume of first-hand material that was available in 1886. The cabinet system as it is understood and accepted in England today may be said to have been perfected only since the beginning of the reign of Queen Victoria in 1837. It had been greatly developed by the time that George III came to the throne. But George III thrust it aside as long as it was practicable for him to do so; and a few years more of William IV and of his daring inroads on the system of government by party and by cabinet would if unchecked have broken it down.

Queen Victoria was the first sovereign who was continuously loyal to the cabinet system. It reached its present development between 1837 and 1901; and nowhere can this development and the later practical working of the cabinet system be better followed than in Queen Victoria's correspondence from 1837 to 1861. The Melbourne, Palmerston, Peel and Russell *Memoirs*, and Martin's *Life of the Prince Consort* contained about all the correspondence that was helpful to a study of the working of the modern cabinet system when Sir William Anson was at work on the first edition of his treatise. Since 1886 the *Queen's Letters*, the most valuable of all the material for this purpose, have been published; and since 1886 also have been issued the memoirs of

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Gladstone, Granville, Argyll and Graham among men who were in the front rank of statesmen, and these memoirs have been supplemented by those of Sidney Herbert, Selborne, Cardwell and Forster. Next as regards monographs. Clifford's *History of Private Bill Legislation* was completed only a year after the first edition of Sir William Anson's work had appeared; and since then to name only a few of the more valuable works there have appeared Pike's *Constitutional History of the House of Lords*; Redlich's exhaustive history of *Parliamentary Procedure*; Lowell's *Government of England*; Palmer's *Peerage Law in England*; and Low's *Governance of England*. While still keeping his treatise within the compass of three volumes, Sir William Anson has drawn to the full on this splendid accumulation of new material—monographs as well as political memoirs and correspondence; and moreover every change in the method of working the machinery of the constitution due to a variety of developments in the constituencies and at Westminster is amply noted and considered in this unique and invaluable work.

Two reasons have been suggested for the welcome that students of English constitutional history and procedure must give to the revised edition of the *Law and Custom of the Constitution*. A third reason has presented itself, not altogether unexpectedly, since the last of these volumes came from the press. Henceforward the budget of 1909–1910, its rejection by the house of lords, the general election and the far-reaching struggle between feudalism and democracy in which England finds herself engaged in the early months of 1910, must establish a new date line, it may be an opening of a new era in English constitutional history. Writing as I do before the veto proposals of the Asquith government have been submitted to parliament, but with the certainty that another general election must ensue before the parliament elected in January 1910 is more than four or five months old, and realizing that the struggle between feudalism and democracy must go on until the new aggression of feudalism is at least checked, it would seem that the years 1909-1910 must stand out in English constitutional history as conspicuously as 1688, 1783 or 1832. Neither party to the great struggle can ever be again where it was before 1905–

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1909. The history of England at least from the time of James I seems to warrant the inference that the English people will not long tolerate reaction. It was reaction as much as the pitiful lack of men of the front rank in politics that brought about the defeat of the tories at the general election of 1906—that reduced the number of the tories in the house of commons of 1906–1910 to less than 170 in a house of 670 members, and provoked the aggression of the house of lords that culminated in the rejection of the Lloyd George budget in November, 1909, and the appeal to the constituencies in January, 1910. Looking at the result of that appeal in England only—that is excluding the results of the election in Scotland, Wales and Ireland—it would appear from this distance that England is willing to countenance reaction, and is disposed to endorse and support the aggression of feudalism with all the reactionary, revolutionary consequences which must inevitably follow the loss of control by the house of commons of the raising and appropriation of supplies. With that power gone from the house of commons, with it even shared by the house of lords to the same extent as the power of raising and appropriating revenue is shared by the senate at Washington with the house of representatives, government by party and by cabinet, as it was developed in England from 1688 to the middle years of Queen Victoria's long reign, comes to an end; and the three extensions of the parliamentary franchise wrung with so much popular agitation from the governing classes between 1832 and 1885 would count for nothing. With the house of lords capable at any time of rejecting a budget and bringing about a general election, only a tory government could hope to live out the natural life of a parliament, or to succeed with any legislative work; for of the 618 members of the house of lords today less than 75 are of the liberal party, and within the last five or six years the liberal minority there has been as small as forty-five.

Under these circumstances liberalism would find itself in an infinitely worse plight than that of the whigs of the school of Fox and Grey in the house of commons after 1793. Parliamentary life, in fact all political activity, could then make no claim on liberals; for it would be without aim or likelihood of usefulness.

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Political thought and political agitation which for nearly one hundred and fifty years have given zest and hopefulness to English life, and to the lives of hundreds of thousands of men and women who could never be of either house of parliament, must under these conditions soon come to an end, and England would be again for an indefinite period in an epoch of stand-pattism if not of positive reaction with accruing gains to the governing classes, like that which England lived through from 1793 to the incoming of Canning, and from which it only emerged after the whigs came into power in 1830 and carried the reform act of 1832. That the new aggression of the house of lords as this was developed between the rejection of plural voters' bill of 1906 and of the budget in the winter of 1909 means all this, is realized today by tories as well as by liberals, radicals and labor men. From a distance it would seem, as has been said, that England as apart from Wales, Scotland and Ireland, has by the general election of January, 1910, shown itself willing to accept and endorse the new aggression of the house of lords, the aggression of the years 1906–1910 during which the fortunes of the tories in the house of commons were at a lower ebb than at any time since modern England has had an electoral system that admitted of the popular will expressing itself in the house of commons. Looking a little closer, however, there is not much ground for regarding the vote of the electors of England as a warrant for continued aggression on the part of the house of lords or for concluding that England is ready for a period of reaction and stand-pattism like that with which the names of Pitt, Eldon, and Castlereagh are associated. Much of the success at the election in England of the lords' policy was due (1) to the cry for protection for home agriculture and home industries; (2) to the cry for increasingly large expenditures on naval construction; (3) to the zeal and political activity of over a hundred thousand holders of liquor licences, and of hundreds of thousands of holders of shares and debentures of brewery and distillery companies—all interests assailed by the budget of 1909; and (4) to the political influence and activity of the two older churches—the Established Church and the Roman Catholic Church—interested much more in maintaining the house of lords

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as a safeguard of their privileges under the education system than in the constitutional question between the commons and the lords.

It must be remembered also that approximately 80 per cent of the 600,000 plural voters in England—including in this number the 20,000 voters who are of the three university constituencies, are politically allied with the land and church interests. It must also be kept in mind that feudal pressure on voters in rural England was at the last election exerted more openly and strenuously than at any election since the extension of the franchise to the laboring classes in rural England in 1884. Cross-currents such as have been described were numerous at the general election of 1910; so numerous and so powerful as to make it impossible to describe the appeal to the electorate as mainly on the issue between feudalism and democracy. Complicated as the election was by these cross currents, in spite of the impression that it seems to give that England itself was in January, 1910, disposed to support the aggression of the house of lords, the fact still remains that neither party to the great constitutional issue which has been coming to the front since 1906 can ever get back to where it stood in the parliament of 1900–1906. In the recent general election while the tories defended the right of the house of lords to reject the budget —pleaded speciously that it had only referred the budget to the electorate—they accompanied this defence of the lords with the statement that the hereditary principle was today out of harmony with existing political ideas and conditions and could no longer be defended. From hundreds of tory platforms at the last general election, there were declarations that the house of lords must be reformed; and before the new parliament had been in session a month Lord Rosebery had submitted a scheme for the remodelling and reorganization of the second chamber. The liberals on the other hand were committed to a scheme for the total abolition of the veto of the lords on finance and for a drastic limitation of the veto of the lords on all other legislation; and like the tories the liberals also had a scheme for remodelling and reorganizing the upper house. Both political parties are thus committed to schemes for remodelling the house of lords. Neither scheme—that proposed by Lord Rosebery, nor that to which

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the Asquith government is committed—is likely to be carried in the parliament that convened immediately after the general election of January, 1910. Another general election must precede the adoption of any scheme for reforming the constitution of the house of lords. Whether the scheme finally adopted is that of the liberals or that for which Lord Rosebery is responsible, will mainly depend on the result of the second general election directly due to the aggression of the house of lords between 1906 and 1909, which culminated so far as the parliament of 1906–1909 was concerned in the rejection by the lords of the budget of 1909.

The one settled fact in the complicated political situation in England in the early months of 1910 is that the country is on the eve of a great constitutional change. The first move may be reactionary or it may give more power to democracy. All will depend on the next general election; but even should the election give the reactionaries easy control of the house of commons for one parliament the progressive parties in England—the liberal, radical and labor parties—will not rest content under any new constitution of the house of lords brought about by the upholders —peers or commoners—of the aggression of the house of lords since 1906. Important and far-reaching constitutional changes are thus again in sight—constitutional changes which are likely to rank in importance with those of 1832, 1867 and 1884–1885; and for this reason the revised edition of Sir William Anson's *Law and Custom of the Constitution* has another value in addition to those which were commented upon at the outset of this article. This additional importance of Sir William Anson's classic is due to the fact that it was completed in the year which witnessed the beginning of the crisis out which great constitutional changes must inevitably develop. For the years that preceded 1688 and 1832 there has never been a comprehensive work like that of Sir William Anson. Such a work, inclusive and characterized by scholarly care and insight, would have been invaluable to students of the development and working of the English governmental system. It would have been invaluable because from it it would have been possible to realize how the governmental ma-

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chinery stood, and how it was worked up to the eve of the great changes of 1688 or those of 1832. Changes of nearly as much significance now seem to be pending in England. When they have come, these three volumes of Sir William Anson's passed for the press on the eve of the great constitutional crisis of 1909–1910 must have a value quite distinct from the now long-established every-day usefulness of the earlier editions of the *Law and Custom of the Constitution,* because they state with amplest detail and accuracy how the constitution was understood and how it was worked in the years immediately preceding the new aggression of the house of lords—the aggression which has today made imperatively necessary a great constitutional change—one which shall check democracy, or one which shall tend to its progress and greater power.

Party politics are consistently and conspicuously avoided by Sir William Anson. But he must have seen even before the crisis of 1909–1910 that some great change was coming; for he summarizes the recommendations of the lords' committee of 1907 for increasing the efficiency of the upper house and also explains the veto proposals which were submitted to the house of commons by the late Sir Henry Campbell Bannerman in 1907, and briefly states his objections to these proposals, which are now understood to be part of those to which the Asquith government is to ask parliament—the house of lords as well as the house of commons—to give assent early in the session of 1910. The Bannerman resolution agreed to on June 7, 1907, by the house of commons, after three nights' debate, as quoted by Sir William Anson, reads as follows: "That in order to give effect to the will of the people, as expressed by their elected representatives, it is necessary that the power of the other house to alter or reject bills passed by this house should be so restricted by law as to secure that within the limits of a single parliament the will of the commons shall prevail."

"The legislation needed for carrying this resolution into effect," continues Sir William Anson, "was indicated by the prime minister. If the two houses disagreed, a conference was to be held of two groups chosen one from each house; the proceedings were to be private, and the points of difference were to be discussed.

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Failing agreement the bill might be reintroduced after an interval of at least six months. If difference still existed the same procedure would be again adopted; if the houses still disagreed the bill would be introduced a third time and sent up with an intimation to the lords that if they declined to accept it without alteration it would be passed notwithstanding." "The result of such a change in the relation of the two houses as was indicated in the ministerial speeches during this debate," reads Sir William Anson's comment on this proposed reform, "would be a single-chamber constitution. Whatever may be said for the opportunities conceded to the lords for discussion and reconsideration, that is a single-chamber constitution in which one house can override the will of the other without an appeal to the country." "The matter," adds Sir William Anson, "remains a standing difficulty. The majority of the house of lords are conservative in their politics. A liberal government not unnaturally resents the suggestion that if the house of lords rejects or materially alters their measures they must put their followers to the risk and expense of a general election in order to substantiate the claim of their policy to be acceptable to the electorate."

It is beyond question that a liberal government resents the position in which it now invariably finds itself in its relations with the house of lords. As long as a considerable section of the governing classes were of the liberal party there were comparatively few difficulties between a liberal government supported by a liberal house of commons and the house of lords, because a liberal cabinet dominated by whigs of the governing classes was always careful not to commit itself to any legislative proposals that would bring it into conflict with the governing classes, whig as well as tory, in the house of lords. But since Sir William Anson's treatise was first published two great changes have come over political conditions in England which greatly affect the relations between a liberal house of commons and the tory house of lords. Following the home rule split in the liberal party in 1886 the whig section of the governing classes moved over almost as a body to the tory party with an enormous gain in numerical strength for the tory party in the house of lords. This movement in 1886 was so complete that by 1905 when the Campbell Bannerman govern-

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ment came into power there were fewer than forty-five liberal peers, although between 1830 and 1905, 180 peers had been created at the recommendation of whig or liberal premiers, including 79 peers who owed their creation to Gladstone between 1868 and 1894. While the peers and the governing classes generally with the disappearance of whiggism have thus been moving over to toryism and leaving liberal peers in a decreasing and hopeless minority, there have been movements in the constituencies of almost equal significance which affect the relations of the house of commons and the house of lords. In Ireland the nationalists since 1886 have more than maintained the strength that accrued to them after the extension of the franchise in 1884. In England also in the main as a long delayed result of the extention of the parliamentary franchise in 1884, there has since 1900 come into existence a labor party that can command from forty to forty-six members in the house of commons. Moreover in the period that lay between 1886 and 1905 the governing classes of landed possessions and of territorial traditions lost their old dominance in liberal cabinets; for in the Campbell Bannerman and Asquith ministries as they existed from 1905 to 1910 there were never more than five members of the ministry who were of the landed classes.

These two great changes—the moving over of the landed classes from the whig or liberal to the tory party, and the incoming of the Irish nationalists and the labor party, have inevitably involved strained relations between a liberal government and a liberal house of commons and the chamber in which the governing classes, whether whig or tory, can nowadays continuously apply the brake on democratic progress. Collisions between the two houses were inevitable after the general election of 1906 had reduced the tories in the house of commons to a strength which never exceeded 170. The tories were in a weak and hopeless condition in the house of commons during the parliament of 1906–1910; but at no time in the history of toryism were the tories stronger or more aggressive in the house of lords. Nominally England was under liberal rule from 1906 to 1910. There was a liberal government and it was supported by a majority without precedent; and moreover the liberals lost little of their numerical strength in the house of com-

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mons at the by-elections. But only nominally was a liberal government in power. Power in many vital issues really lay with the Marquis of Lansdowne, a statesman never of front rank, who like his supporters in the house of lords was responsible to no constituents, and who had no ascertained or acknowledged responsibility to the crown. This was the position of the liberal government from 1906 to 1910. Then came the culminating aggression of the house of lords, and following that aggression the declaration of Mr. Asquith, at Albert Hall, London, on the eve of the general election, that "we shall not assume office, and we shall not hold office, unless we can secure the safeguards which experience shows us to be necessary for the legislative utility and honor of the party of progress." Mr. Asquith and the present liberal government may not be able to secure these safeguards. But the liberal party is without hope until it is in possession of some such safeguards as those spoken of by Mr. Asquith. It may be that the next general election may make it possible for the tories to carry their scheme for changes in the constitution of the house of lords, giving it added strength as a barrier against democracy. That will be their aim. But a reform of the house of lords on these lines and with this intention will serve only to quicken the movement by the liberals for a reform which shall make the house of lords much less of a barrier between England and democracy than it has been since 1885. When that barrier has been weakened other democratic reforms long overdue will soon follow; and in a treatise like that of Sir William Anson's a section of a chapter extending to nearly thirty pages will no longer be necessary to an understanding of who may elect members from England and Wales, Scotland and Ireland, to the house of commons. There is not an unnecessary word in this long section which is concerned with the parliamentary franchises; for Sir William Anson has to deal with rights to vote which are based on laws passed as long ago as 1430. A careful reading of the section does more than make clear the tangled electoral system on which the house of commons is elected. It shows that there are other barriers between England and democracy than the obvious barrier which is now being assailed, and this in spite of the fact that almost every man of settled abode can be in possession of the parliamentary franchise.

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NOTES ON CURRENT LEGISLATION

CONDUCTED BY HORACE E. FLACK.

Ballot Reform: Progress Toward, in New York and Pennsylvania. The dissatisfaction with the existing forms of ballot which has long been felt in the two states above mentioned has, in each case, crystallized this year in a determined attempt to secure a law which will prove permanently satisfactory.

The principal defects of the present form of ballot in both states may be summed up under two heads: (1) its size and cumbersomeness; (2) the complexity and inequality of the rules for marking.

The New York ballot law allows the name of a candidate to appear in the column of every party or independent group which has nominated or endorsed him for a given office. In the mayoralty election last fall the ballot was nearly three feet ten inches (in some districts four feet) wide by fourteen inches deep, and contained from nineteen to twenty-two columns. The name of Mayor Gaynor appeared in eight different columns, that of District Attorney Whitman in five, and that of Mr. Bannard in four. This reductio ad adsurdum of the present law—by far the most striking which has ever occurred— has tended to concentrate attention for the moment on the former of the two defects above mentioned. There is no question but that the multiplication of columns and the frequent repetition of candidates' names constitutes a very real abuse, especially as many of the extra columns have been put on the ballot for so-called "fly-by-night" parties—mushroom organizations formed only to be sold out to the principal parties, or to give to a partisan candidate the appearance of non-partisan support. The attempt has occasionally been made to remedy this evil by providing (as has been done in other states) that the name of no candidate shall appear on the ballot in more than one column. The effect of this rule, however, if adopted in conjunction with the party-column form of ballot, would have been to render it far more difficult for two genuine parties to combine on a single candidate—say for a judicial office—or for an independent body like the Citizens' Union to endorse a party nominee; for in the column of one of the "fusion" parties, or in that of the endorsing organization, the space which

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would otherwise have been occupied by the candidate's name would have had to be left blank, and all the voters of such party or independent body who failed to notice this fact and write the candidate's name in the blank column would have lost their votes for this office.[1] A further objection to such a provision is the fact that it would deprive the voters of information, to which they are entitled, as to the organizations anp elements in the community which each candidate represents. The last bill attempting to establish this rule in New York state[2] was, therefore, vetoed by Governor Hughes in 1908. In his veto message the governor pointed out that, in connection with the Massachusetts, or office-group, form of ballot, the rule forbidding a candidate's name to be printed more than once on the ballot was eminently fair; and as the proper remedy for the abuses sought to be cured he renewed his recommendation that this form of ballot be adopted

This year his recommendation has been embodied—so far as the mere arrangement of the ballot is concerned—in a bill,[3] introduced by Assemblyman Ward of New York City, which has received the support of the Republican organization and is rather likely to pass the assembly. This bill, however, while it provides for the "office-group" arrangement, continues to provide a special method by which a "straight ticket" may be voted by a single cross mark. The resulting form of ballot would resemble most nearly that now in use in Pennsylvania and Nebraska, except that in one respect it would be more complicated than either. The laws of both Pennsylvania and Nebraska provide that, whenever a candidate is nominated by two or more parties or independent bodies for a given

[1] In spite of the objections to this rule when applied in conjunction with the "party column" form of ballot, fourteen out of the twenty-seven states now using this form of ballot have adopted it. In several of these states its constitutionality has been upheld by the courts. (Todd v. Election Commissioners, 104 Mich. 474; State v. Anderson, 100 Wisconsin, 523; State v. Bode, 55 Ohio, 224; State v. Porter, N. Dak., 100 N.W. 1080.). In several other states, however, the rule has been declared unconstitutional (Murphy v. Curry, 137 Cal., 479; Commonwealth v. Martin, 6 Pa. Dist. Rep. 645) or in the absence of express provision, it has been held that on a "party column" ballot the name of a candidate nominated by two or more parties or groups for any office should be printed in the column of each of such organizations. (Fisher v. Dudley, 74 Maryland, 242; Simpson v. Osborn, 52 Kansas, 328.) In several of the law encyclopedias the general rule, in spite of the contrary decisions above noted, is stated to be, that a provision that each candidate's name shall appear but once is entirely proper in conjunction with the "office group' form of ballot, but not with the "party column" form.

[2] Senate bill (1908) Int. No. 490; introdued by Senator Gilchrist.

[3] Assembly bill (1910) Int. No. 21.

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office, the names of all such parties or bodies shall be printed immediately after his own. The Ward bill, on the other hand, provides that, as among the parties or independent bodies which have combined to nominate any candidate, only the name of the party which received the largest number of votes at the last preceding election, or of the independent body which the secretary of state or the officer furnishing the ballots has chosen to place first in order, shall be printed in full after his name. All the others are to be designated by index letters. To learn the meaning of these designations the voter must turn to the left hand side of the ballot where are printed a number of small squares, each one containing the name, emblem, index letter and straight-party-voting-circle of a single party or group.

Any attempt to combine a provision for straight party voting by a single cross mark with the original Massachusetts method of voting—by means of a cross mark after the name of each candidate to be voted for—necessitates a rather elaborate and confusing set of rules for marking and counting, and compels every voter who wishes to vote any but a straight ticket to master these rules under peril of losing his vote. The actual result is that at every election numbers of ballots are wholly or partially invalidated by mistakes which, under the simple Massachusetts rules for marking, would never have been made, and that numbers of voters who would otherwise have preferred to split their votes are artificially constrained, through fear of losing them altogether, to vote straight party tickets. It is this needless complexity in the rules for marking—due to the otherwise more or less defensible attempt to give to straight party voters an easy way of expressing their choice—and the consequent unfairness to all those who wish to cast their votes discriminatingly, which constitute the second and by far the more fundamental of the two chief defects above mentioned in the present forms of ballot in New York and Pennsylvania. In this respect the "office group" arrangement of the Pennsylvania ballot, though it possesses otherwise the strongest advantages over the "party column" arrangement, tends to aggravate the evils arising from a special provision for straight voting. Under the New York law the difficulties of the discriminating voter, great as they are, are less than under the law of Pennsylvania. Under the Ward bill, however, the complexity of the rules for marking, and the consequent injustice to independent voters, would be greater than under either of these laws. For this reason the City Club, the Citizens' Union and other organizations are strenuously opposing the bill. and demanding such an amendment of the New York law as will not only cure the relatively minor defects in the

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size and arrangement of the ballot, but will also remedy, instead of aggravating, the evils of the present system of marking;—an amendment, in short, which, when adopted, will offer some hope of a permanent and satisfactory settlement of the whole question.

The particular settlement which these organizations urge is the adoption of the Massachusetts system, i.e. the "office group" ballot with but one simple method of marking, by means of a cross mark opposite the name of each candidate to be noted for. This system is provided for in a bill which has been introduced for several years past by Assemblyman Lee.[1] In recognition of the large number of illiterate voters in New York city the bill provides that opposite each candidate's name shall be placed the emblem as well as the name of every party or group which has nominated or endorsed him.

Another "Massachusetts ballot" bill,[2] fathered by the Brooklyn Young Republican Club, provides for no party names or emblems opposite the names of candidates, but for index numbers, somewhat similar to the index letters provided for in the Ward bill. These numbers are to be explained by reference to a list of party names and numbers at the left of the ballot.

An alternative to the Massachusetts ballot, which would certainly be preferred by most ballot reformers to either the present New York ballot or that provided for in the Ward bill, is a "party column" ballot without party circles and without any special provision for voting a straight ticket. This is the form of ballot now used in Iowa and Montana. A bill,[3] abolishing the party circle and adopting this form of ballot was introduced last year by assemblyman Green, but so far this year it has not been reintroduced.

Another bill[4] introduced this year by Senator Davis provides that the names of all judicial candidates shall be segregated at the right of the ballot and arranged in alphabetical order under the titles of the several judicial offices, with no party designations whatsoever. This proposal is in line with recent changes in one or two of the western states.

At present writing it seems, on the whole, unlikely that any of these bills will become law this year. The Allds inquiry in the senate delayed the work of the session materially, and there are too many important

[1] Assembly bill (1910) Int. No. 695.
[2] Assembly bill (1910) Int. No. 982; Introduced by Assemblyman Green.
[3] Assembly bill (1909) Int. No. 772.
[4] Senate bill (1910) Int. No. 389.

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measures pending to hope for any real settlement, of the ballot question at this time. The agitation and discussion this year, however, have brought the subject very much to the front, and will probably prove to have both cleared the air and hastened the ultimate enactment of a satisfactory law.

The present ballot law of Pennsylvania, as amended in 1903, represents very much such a compromise between those who wish to facilitate straight party voting and the advocates of the Massachusetts ballot as is proposed for New York state in the Ward bill—a compromise in which the former retained practically everything which they really cared for, while the latter lost almost more in one direction than they gained in another. Naturally, therefore, with this latter element the amended law has been unpopular from the start—so much so that in 1904 a determined effort was made to have that section of it which provided for straight ticket voting declared unconstitutional. This effort was very nearly successful, and it was only by a four to three vote of the supreme court that the provision was upheld in 1905 (Oughton v. Black, 212 Pa.1.). The dissenting opinion, which was a very strong one, held that it resulted in an unfair discrimination between different classes of voters, and was therefore a violation of the constitutional guarantee that all elections should be "free and equal."

Since 1905 the dissatisfaction with the present ballot, based on this and other grounds, has been steadily growing, and has been among the most important of the causes which have finally led up to the creation of a state commission to investigate the whole subject of registration, nominations and elections. Provision for the appointment of this commission by the governor was made by a joint resolution of both houses in 1909 (L. 1909, p. 940). The resolution prescribes that the commission shall report to the legislature of 1911 a codification of the present election laws of the state, together with its recommendations, in separate form, as to changes or amendments. The commission has been appointed by the governor and consists of the following gentlemen: Messrs. F. P. Prichard (chairman), George M. Dimeling, William Coleman Freeman, John M. Flynn, W. U. Hensel, David H. Lane and Ernest L. Tustin. The chairman writes:

"The commission has had several meetings, and has appointed a secretary and counsel. So far, it has held no public meetings, and has had nothing but informal discussions. Through its secretary and counsel, it is having prepared a codification of the laws and a collection of infor-

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mation with regard to the systems in force in other states. It has divided its work into the following branches:

a. Registration of voters.
b. Methods of nomination.
c. Form of ballot.
d. Conduct of election.
e. Election crimes and penalties.
f. Election contests.

"It has, through its secretary, conducted a large amount of correspondence and gathered together a large amount of information on each of these subjects, which it is classifying and arranging. It will probably soon take up the discussion of these questions, with a view to reducing and defining the desirable subjects of discussion, and it may then hold meetings or seek specific information from various bodies and individuals."

Whatever the commission may accomplish in the way of changes in the law, the publication of a report of the character above indicated will in itself be a very distinct public service, since compiled and systematized information in regard to most of these branches of the laws of the several states, and even more particularly in regard to their working, is at present surprisingly scanty and out of date, The report will therefore be awaited with the greatest interest by all students of election laws.

ARTHUR LUDINGTON.

Biennial Elections. In November, 1910, the people of Rhode Island will vote upon the question of adopting an amendment to article xiii of the constitution of the state. This amendment provides that the governor, lieutenant-governor, secretary of state, attorney general, general treasurer, and senators and representatives in the general assembly, shall be elected at town, ward, and district meetings, on the Tuesday next after the first Monday in November, biennially instead of annually commencing in 1912, and shall hold their offices for two years.

Child Labor Law, Rhode Island. Under the title of an amendment to the factory inspection law, an act regulating the provisions of age employment certificates for children has passed the Rhode Island legislature. This law provides that no child under 14 years of age shall be employed in any factory, manufacturing or business establishment within this

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state, and no child under 16 years of age shall be employed in said establishments between the hours of 8 o'clock in the afternoon of any day and 6 in the forenoon of the following day. No child under 16 years of age shall be permitted to work in any factory or manufacturing or business establishment unless said child presents to the person or corporation employing him or her an age employment certificate, uniform throughout the state, given under the direction of the school committee of the city or town in which the child resides. Such certificate shall state (a) name of said child, (b) date and place of birth, (c) height, color of eyes and hair, and complexion, (d) name and place of residence of person having control of said child; and such certificate shall certify (1) that said child has completed 14 years of age, (2) that said child is able to read at sight and write legibly simple sentences in the English language, and (3) that there is reason to believe that the child is healthy and physically able to perform the work which he or she intends to do. Attested copies of the birth certificate, baptismal certificate and passport of the child must be attached to the age employment certificate, unless the school committee of the city or town where the child resides rules otherwise in exceptional cases. These age employment certificates are filed with the employer at the place where the child is employed and are at all times subject to the supervision of the factory inspectors. This act takes effect September 1, 1910. The provision for the reading and writing of simple sentences becomes effective January 1, 1911.

GRACE SHERWOOD.

Criminal Courts of New York City: Proposed Reforms of. The commission known as the Page commission appointed jointly by Governor Hughes and the legislature of New York state in 1908 to inquire into the administration of justice in courts of inferior criminal jurisdiction in New York City, Buffalo and Rochester, and which during the past two years has taken over five thousand pages of testimony, submitted its final report to the legislature on April 4. The report is accompanied by bills which have been introduced in the legislature, and which will probably be enacted without much change. The chairman of the commission is former State Senator Alfred R. Page, now a supreme court justice, and the counsel of the commission is Julius M. Mayer, formerly state attorney general.

A report made by the commission last year concerning the court system of Buffalo resulted in the organization in that city of a court, modeled after the Chicago municipal court and possessing both civil

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and criminal jurisdiction. The Buffalo city court law provided for a separate part known as the children's court, and for the hearing of cases against juvenile offenders by civil procedure. Children in that city are no longer convicted, but if guilty, are adjudged to be in need of the care and protection of the state.

The report of the commission made in April deals exclusively with conditions and needs in New York City. Greater New York, which is divided into two judicial divisions, has in each division a board of city magistrates, possessing jurisdiction over violations of city ordinances and power to hold defendants charged with misdemeanors or felonies for higher courts. Persons held for misdemeanors are tried in the court of special sessions of the respective division, and those charged with felonies are tried before a higher court. Children's cases in each division (except in the Boroughs of Queens and Richmond) are heard in a children's court presided over by a justice of the court of special sessions.

The problems before the commission were large and difficult. The number of arraignments in New York City during 1908 was 235,556, which probably represents over 200,000 individual defendants. Added to this number, probably over 100,000 persons appeared before city magistrates on a summons to answer complaints The total number of persons appearing before city magistrates during the year was, therefore, over 300,000.

The commission found several defects and undesirable conditions in the administration, practice and procedure in the lower courts of New York City. The arrangement and sanitation of some of the courts and detention rooms are bad. The administration of the work of the courts has lacked organization and centered responsibility. The calendars have frequently been clogged, and the interpreters and other officials have often been incompetent and negligent. Abuses have been conspicuous, as in the continued adjournment of liquor and disorderly house cases. The practice in different district courts has lacked uniformity. For instance, in cases of violation of the excise law magistrates in one division of the city have accepted the testimony of an officer that the liquor he tasted was beer or whiskey, while in the other division some magistrates have required chemical analysis and the testimony of experts.

The commission in its final report makes thirty-six recommendations concerning the courts in New York City, and accompanies them by bills which have been introduced in the legislature. Among the more important proposals are the following:

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The commission recommends that all magistrates and judges of the inferior courts be, as at present, appointed by the mayor; but that the magistrates and judges be prohibited from being executive members or "district leaders" of political parties. The court of special sessions and the board of city magistrates, will each have a chief judge who shall have general charge and direction of the administrative work of their respective courts. The duty is placed on the judges of visiting, from time to time, the institutions to which they commit persons.

The establishment of an additional night court is proposed for the boroughs of Manhattan and the Bronx. This would provide one night court for men, and another for women. A central court of domestic relations is planned for the boroughs of Manhattan and the Bronx, and another for Brooklyn.

The present system of detailing a justice of the court of special sessions to preside over the children's court, is to be continued, except that such assignments are to be more carefully made, and the appointments are to be, so far as practicable, for long periods.

Cases of children in the boroughs of Queens and Richmond have in the past been tried before city magistrates, but the commission wishes to abolish this practice and to establish children's courts, similar to those in New York City proper and in Brooklyn, for these other two boroughs. Following the procedure prescribed for the Buffalo children's court, power is to be given the several children's courts of New York City to suspend, in their discretion, the hearing by criminal procedure of children's cases, and, instead of convicting a child, to adjudge the child in need of the care and protection of the State.

The commission, after declaring the probation system to be the most marked step forward in the administration of criminal jurisprudence, recommends the appointment of additional probation officers, including chief probation officers; and urges that probation duties be no longer vested in policemen.

The issuing of a summons, which in minor cases has been done extensively, although with statutory authorization, is now to be made legal. A system has been devised, based in part upon methods used in Europe, by which the police department will issue to applicants an identification card which will spare them from arrest for certain minor violations of the law. Upon presentation of a card of identification, persons who might otherwise be subject to arrest, shall receive from the police officer a summons requesting them to appear in court at a specified time and place.

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The practice of having fines in cases of cruelty to animals, and certain other violations of the law, paid to private organizations, will be abolished; and hereafter all fines will go to the city.

The commission strongly favors the use of the finger-print system of identification of women convicted of being prostitutes; and recommends medical inspection for this class of offenders after conviction; also the imposition of an indeterminate sentence for those found with venereal diseases.

ARTHUR W. TOWNE.

Indiana Social Legislation. The high standard which has so frequently been evidenced in the legal enactments of Indiana in the field of charities, corrections and public health, was maintained by the legislative assembly of 1909. Conspicuous is the new maternity hospital law, said to be the best of its kind in existence, outranking the excellent statutes of Iowa and Massachusetts. The act requires that all maternity hospitals, boarding houses for infants, boarding homes for children and persons engaged in the placing of children, shall be duly licensed by the board of state charities, be subject to its supervision and inspection, and conform to its prescribed rules and regulations. The improved housing act, covering tenement, lodging and apartment houses is a thorough piece of work, including many admirable features. Public playgrounds receive recognition in an act authorizing their establishment in cities of the first, second, third and fourth classes, to be maintained and administered by the school board or, in cities having a park board, by a playground commission consisting of two members of the school board, two of the park board and a fifth appointed by the mayor. The opening wedge for medical inspection in the schools in Indiana. is the act requiring medical inspection in the Indianapolis schools, applying to pupils, teachers and employees, the expense to be borne by the civil city which shall levy a tax of ½ cent on each $100 of taxables for the purpose. The county jail supervision law grants the board of state charities the right to examine county jails and, if necessary, condemn them to the circuit court of the county, with the further privilege of appealing to the governor if the court fail to act in the matter. The act also authorizes the board of state charities to formulate rules and regulations for the management of the county jails, and requires the sheriff of the county to keep a jail record. The cause of humane treatment of animals is helped by an act under which the board of public safety of Indianapolis is required to appoint three members of the police force to act as humane

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officers and report to the Humane Society at least once a month on all matters pertaining to their duties. Among the notable amendments to acts already existing were the amendment to the compulsory education act of 1897, which extends the benefits of the law to blind and deaf children between the ages of eight and sixteen years, and the amendment to the anti-cigarette law of 1905, which limits the application of the law to minors.

ETHEL CLELAND.

Inebriety: Proposed Board of, for New York City. A bill in relation to the treatment of public intoxication and inebriety in New York City, drafted by the State Charities Aid Association after extended inquiry, has been favorably reported in the New York state assembly. The bill, if passed and followed by the necessary appropriations by the city of New York, is intended to do away with the present ineffective and expensive manner of dealing with drunkards in that city by commitment for short periods to the workhouses.

The bill permits the mayor of New York to appoint an unsalaried board of inebriety composed of seven appointive members, two of whom shall be physicians, and of the city commissioner of charities and the commissioner of corrections as ex-officio members. The board, if established, shall maintain in New York City, offices which shall always be open, and which shall contain a bureau of records of all arrests in that city of males on the charge of public intoxication. If the board of estimate and apportionment concurs, the board of inebriety may establish a hospital and an industrial colony.

The bill provides that whenever a male is arrested for public intoxication, the police department shall at once notify the board of inebriety of the name, address and description of such person, whereupon it shall become the duty of the board to ascertain, through a field officer appointed by the board, whether the person has been arrested before on that charge within the preceding year. If he has not, he may be released without arraignment. The method of releasing such persons is similar to that followed in Massachusetts. The person under arrest must, to be released without arraignment, sign an application telling his name, address and employment; the persons, if any, who are dependent upon him for support, and stating also that he has not been arrested for public intoxication within the twelve months next preceding. After endorsement of the application by the field officer, the person shall be released by the police without arraignment. The field officer shall transmit the applica-

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tion and a report of his investigation of the case to the court, which has authority, if necessary, to re-take and arraign the person.

If, on the other hand, the investigation by the field officer shows that the man arrested has been arrested before for public intoxication within twelve months, the bill allows the court to place the defendant on probation or to require him, while on probation, to pay a fine in instalments. If the man fails to respond to either of these methods, the plan provides that the court may commit the defendant to an industrial colony or hospital, conducted by the board of inebriety, on an indeterminate sentence of six months to two years. The board of inebriety may, whenever desirable, release any inmate of such a colony or hospital on parole.

Another feature of the bill is that it permits chronic drunkards or persons addicted to the habitual use of narcotic drugs, or members of their families, to petition the board of inebriety to admit such inebriates to the hospital or colony for treatment, without being committed by court.

The bill is endorsed by the state lunacy commission, the state board of charities, various city departments, and physicians, penologists and social workers.

ARTHUR W. TOWNE.

Legislative Reference. The National Civic Federation's Conference on Uniform State Legislation, held in Washington, January 16–19, 1910, among its resolutions, passed the following: "*Resolved*, That we recognize the system of legislative reference bureaus as one of the important agencies to bring about greater uniformity of legislation, and that we urge the states which have established such bureaus to develop them further and those which have not yet done so to forthwith establish them." Following upon the recognition and commendation of such a body as the National Conference on Uniform Legislation, a brief survey of the field of legislative reference may be timely.

To say that each state library in the country should serve its state, to some degree, either through individuals, or through its official, judicial and legislative bodies, as a legislative reference library, is only a just interpretation of the original purposes which these libraries were, for the most part, created to fulfill, whether they consist of a law library solely, a collection of historical and archival material, a general library, or combinations of these and other phases. But, without disputing the claim of any state library of any type to be in itself a bureau of legislative reference, the accepted meaning of the phrase "legislative reference" has, in the past few years narrowed and deepened until it has come to

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stand for so distinct a type of reference work, that, regardless of the generalities in which it originated, and regardless of whether it is a part of the work of the state library, state department of history or state library commission, or is even a city bureau, it has developed its own aims, its own field, its own specialists, its own devices and consequently its own history. To any library with a definite purpose of serving the makers and interpreters of the laws of the state, the establishment of a legislative reference bureau is a logical step, which once taken, more than proves its right to exist.

Alabama, Indiana, Maryland, Michigan, Montana, North Dakota, Pennsylvania, Rhode Island, South Dakota, Texas and Wisconsin, all have departments of legislative reference created by special act. (The Maryland department, although created by the legislature, is a bureau of the city of Baltimore, which grants it a yearly appropriation). Of these special acts, those of Indiana, Michigan, Montana, Pennsylvania, Rhode Island and Wisconsin include a special appropriation, while the states which make a special appropriation for the work without a special act creating the department are Iowa and Kansas. Of the statutes creating departments, the Indiana, Michigan, Montana, North Dakota, Pennsylvania, Rhode Island and Wisconsin laws include the drafting of bills in the definition of duties. New York, the pioneer state in legislative reference work, and with Wisconsin the foremost in the field, has neither special act or appropriation, the department being an expansion of the state library and under its control. California, Connecticut, Oregon, Washington, and Virginia, are also states in which the state library—in Oregon, the state library commission—has broadened its work to include special legislative reference, without special statute or funds. In California, Connecticut, Indiana, Iowa, Kansas, Michigan, Montana, New York. Pennsylvania, Rhode Island, South Dakota, Texas and Virginia, the legislative reference bureau is a part of the state library; the state library commission has the department of legislative reference in North Dakota, Oregon and Wisconsin; while in Alabama and Nebraska the state historical department has developed the legislative reference bureau.

The special appropriations granted vary from $15,000 in Wisconsin to small sums merely covering the salary of the director, or clerical hire.

Governor Draper, in his message of January 6, 1910, to the General Court of Massachusetts, recommended an additional appropriation to the state library to meet the extra expense of legislative reference work.

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In Ohio a bill is now before the general assembly, which, if successful, will add a legislative reference bureau to the Ohio State Library.

ETHEL CLELAND.

Municipal Charter Revision—Chicago. Chicago is experiencing considerable difficulty in securing a new charter. The charter drafted by the charter convention of 1906 was so mutilated by the state legislature that it was overwhelmingly defeated when submitted to the voters of the city. The charter convention pursued a different policy this year, for, instead of submitting a charter or charter amendments as an entirety, eleven separate bills or amendments were proposed, thus giving not only the legislature but the voters as well an opportunity to vote on the merits of each proposition. The voters, however, had no opportunity to pass judgment, since all of the bills were killed in the legislature. This is but another instance to show how dependent most cities are on the state legislature for charter legislation. It is only necessary to contrast the position of Chicago with that of Los Angeles, San Francisco and other cities which have the power to frame their own charters to show what an advantage the latter have over the former.

The general scope and purpose of the proposed charter bills were to consolidate the present, and to confer additional, powers upon the city. Chicago is already quite democratic in the broad sense of the term, and the tendency, as evidenced by the proposed bills, is to make it still more democratic. Instead of showing a fear of the people, the proposed measures evidence confidence in them, for provision is made for giving the people the right to voice their sentiments in regard to certain matters of legislation. In addition to having the power to pass on the charter bills it was further provided that the people should have the opportunity to accept or reject ordinances relating to certain subjects. No provision relative to the closing or keeping open of places on Sunday for the sale of intoxicating liquors can take effect until the people are given an opportunity to vote upon it separately from any other proposition. No ordinance granting a public utility franchise for a longer period than five years shall go into effect until sixty days after its passage, and if within that time a petition is signed by 10 per cent of the registered voters, the ordinance must be submitted to the voters.

The city is given power to acquire, own, construct, maintain and operate all public utilities, or to lease the same for a period not longer than twenty years. It was also provided in one of the bills that the

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city should have the power to regulate the charges to be made for public services and to require adequate service and the reasonable extensions of such services. The city itself cannot proceed to operate any public utility for the use or benefit of private consumers, until approved by a majority of those voting on the proposition. This provision would eliminate the difficulty which Chicago experienced during Mayor Dunne' administration.

A very desirable feature of the proposed bills was that relating to the expenditures by candidates for municipal offices. Corporations are not permitted to make any contributions, and every political committee must have a treasurer who is required to keep a detailed account of all receipts and expenditures.

Charter bill number 2 is probably the most important of the eleven bills which were drafted by the charter convention this year. This bill relates to the organization and powers of the city. It is provided in this bill that hereafter no general law of the state relative to cities shall, in the absence of an express declaration of legislative interest to the contrary, be construed as altering or repealing any act specially relating to the city of Chicago. It is also provided that the specification of particular powers shall not be construed as impairing the general grant of powers to be bestowed by this bill. The city council is given power to enact ordinances creating new offices in the same manner as other ordinances are enacted. At present, it requires a two-thirds vote to create a new office, and even this is a greater power than that possessed by many cities, for it frequently happens that the city must go to the legislature for the creation of a new office. If a city is to have any vestige of home rule, it would seem that the power to create an office should be among the first powers conferred. Provision is made in the bill for conferring very wide police power upon the city. The city council is given full power to impose a license tax upon all persons, firms and corporations holding or using franchises or privileges wholly or in part within the city, and the city council may provide by ordinance for the prohibition and summary suppression of any act, thing or business until the license is paid. Chicago already possesses more power in this respect than many other cities, for in some cases the cities are at the mercies of state legislatures, and when the latter is the case, the license fees which properly belong to the city are paid into the state treasury. Another very important power given the city council is the power to regulate the service and charges to persons or corporations owning or operating public utilities or any other business carried on

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under special grants of license or privilege from the city, notwithstanding the grant of such license, or privilege. The city council is given power, upon recommendation of the mayor, by two-thirds vote of all its members to order any expenditure the necessity of which is caused by an emergency happening after the annual appropriation has been made. The bill also provides that the city may acquire, by condemnation, property outside of the city for water works, sewers, parks and boulevards.

Had this bill become a law, the mayor would no longer preside over the council as at present, for it provided that the council elect one of its own members to act as presiding officer. It would also have made it possible for Chicago to appoint anyone, whether an elector, and residing in the city or not, to any appointive office or place of appointment. It frequently happens that cities are handicapped in regard to this by provisions requiring all officials to be qualified electors, etc. The city council and any duly authorized committee thereof are given the same power to investigate any department of the city government, and for the purpose of ascertaining the facts in connection with such investigation to compel the attendance and testimony of witnesses the production of books, etc., as that possessed by the civil service commission.

It is worthy of note to mention that the city council is given the power to provide by ordinance a scheme or method of recall. A petition signed by 10 per cent of the registered voters of the city makes it incumbent on the election commissioners to submit such scheme of recall to the voters, and if adopted, shall be subject to repeal or alteration only in the same manner as adopted, that is, by referendum vote. To make any scheme of recall valid, it its necessary to include a provision requiring that a petition must be signed by 25 per cent of the registered voters before a recall election can be ordered.

One of the bills relates to the civil service commission, one of the most important changes in the present law being in reference to the removals from the classified service. The present law requires the commission to investigate and report on every removal while the proposed law leaves it optional with the commission unless the person removed demands an investigation. The person sought to be removed must be served with a copy of the order of removal with written specification of the cause or causes of removal, and he is given not more than seven days in which to file an answer to the charges. The proposed change does not go to the extent of the Kansas City charter and some other

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recent civil service laws in giving the appointing officer absolute power to remove any appointee, though requiring him to give written reasons for removal. One of the bills is somewhat novel, though none the less important in view of the agitation which is going on here and abroad, for it provides for woman suffrage at all municipal elections on the same terms as men. It is quite probable that such a bill would be adopted if submitted to the voters of the city, and it would afford an excellent opportunity to judge as to the merits of woman suffrage. Since all progress is the result of experiments, it is to be regretted that this bill, as well as the other bills, failed to pass the legislature.

HORACE E. FLACK.

Municipal Charter Revision—Colorado Springs. Colorado Springs has one of the most recent charters, the present charter having been framed by the charter convention, elected January 19, 1909, and ratified by the people May 11. Several innovations have been introduced, but in general it may be said that the Colorado Springs charter is quite similar to that of Berkeley. In fact, it would seem that the charter convention had at hand the results of the labors of the board of freeholders of Berkeley. The fact that many of the cities are following with interest the experiments and results of other municipal governments is one of the most hopeful signs in regard to the improvement of municipal conditions. The outlook for the future seems very hopeful indeed, for there is now being conducted a series of experiments in municipal government which is bound to result in good. Since Galveston, in 1901, embarked upon the commission form of government, a number of cities and towns have adopted plans modeled more or less after it. In fact, nearly all the more recent charters have embodied some feature or features of the commission form. Colorado Springs is one of the latest adherents to this idea. There was evidently little objection to the change, for the vote was 3000 to 200 in favor of it.

According to the charter convention, the charter provides that the legislative, executive and judicial powers of the city shall extend to all matters of local and municipal government, and preserves every valuable feature of the laws of the state, only introducing such new methods of machinery as were deemed advisable and necessary in the assumption of home rule. Colorado, like California, confers upon her municipalities the very important power of framing and adopting their own charters. The powers of the city are vested in the elective officers

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of the city, the mayor and four councilmen, except as they are reserved to the people by the initiative and referendum features of the charter. The mayor and councilmen are elected at large for a term of four years, two of the councilmen being elected every two years. The executive and administrative powers are distributed among these five departments: department of water and water works, department of finances, department of public safety, department of public works and property, department of public health and sanitation.

The mayor is the commissioner of water and water works, the council designating by majority vote one of their numbers to be commissioner of each of the other departments. The mayor is the chief executive officer of the city and, upon recommendation of the commissioner of the appropriate department, appoints the heads of such department and all the employees in the service of the city. He is also allowed to suspend or remove any officer or employee when, in his judgment, the public interest demands. In case of removal, if the officer or employee so removed requests, the mayor shall file with the clerk a written statement of the reasons for removal. The council, by affirmative vote of four members, may also remove any officer or employee. The mayor also prepares the annual budget, and the council may reduce or omit any item, but cannot increase any item. The mayor is given more power than found in most charters.

The charter provides that the failure of any officer or employee to pay any indebtedness contracted while in the service of the city shall be deemed sufficient ground for removal. The mayor is ex officio member of each board or commission created or authorized by the charter or by any ordinance. He is also given the power to veto any or every item contained in ordinances making appropriations, but such veto shall only extend to the items vetoed, and those which he approves shall become effective. No doubt, this provision is expected to expedite business and prevent log-rolling in appropriation ordinances. His veto can be overcome only by the votes of four members of the council, which means that every member of the council besides himself must vote to pass the ordinance over his veto. It is also provided that no officer or employee, other than firemen or policemen on duty, shall directly or indirectly accept any frank, free ticket or other service from any public utility corporation.

The council is required to provide a system of uniform accounting. If the council fail to make the tax levy in any year, the rate last fixed shall be the rate for the ensuing fiscal year. The debt limit of the city

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is fixed at 3 per cent, but indebtedness for water, light or public utilities or works from which a revenue is derived, is not to be included in determining the debt limit.

The rights of the city are carefully guarded in the matter of public franchises and utilities. The Charter retains in the people the right to control public utilities, and requires that provision shall be made in every franchise hereafter granted permitting the city to purchase at a physical valuation such utility whenever the people deem it best so to do and vote in favor thereof. It is also expressly provided that all disputes arising on account of any ambiguity shall be construed in favor of the city. No franchise can be granted for a longer period than twenty-five years nor can one be renewed before one year prior to its expiration. Furthermore, it is provided that no franchise shall be exclusive and that no public utility shall issue securities in excess of an amount fixed by the council or without its consent.

In addition to the above safeguards, the council is practically constistituted a public utilities commission, for it gives power to regulate the rates, fares and charges of all public utility corporations, including the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service. Of course, the people can secure such regulation through the initiative and referendum in case the council fails to do so. A unique, but no doubt valuable feature, is that requiring all public utility corporations to submit not later than sixty days after the first day of January, an annual report showing in detail the amount of authorized capital stock and bonded indebtedness and the amount of each issued and outstanding, an itemized statement of receipts and expenditures, the amount paid in dividends and as interest, the names and the salary paid to each officer and the amount paid as wages, a full description of the property and franchises and the book value of each franchise.

A complete, non-partisan system for the election of municipal officers has been provided, the framers evidently being of the opinion that the party label was not necessary to secure efficient government. All nominations are to be made by petition, but the person so nominated must file his acceptance within five days from the filing of the petition of nomination. In his acceptance he must make affidavit to the fact that he has not become a candidate as the nominee or representative of or because of any promised support from any political party or committee. There shall be no political or other designation on the ballot to indicate the source of candidacy or support of any candidate.

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A similar provision to that in the Berkeley charter in reference to a second election in case no one receives a majority in the first is to be found in this charter. There is also included a very strict provision in regard to corrupt practices.

The initiative, referendum and recall provisions are almost identical with those of the Berkeley charter and seem to mark an advance in the way of direct legislation. These provisions, together with that creating a civil service commission, no doubt account for the almost unanimous vote which the charter received. Municipal administration should be rendered more prompt and more effective under the new charter, for a concentration of power tends to expedite business. Concentration of power also secures the location of responsibility, and this is regarded by students in general as one of the essential features of any efficient form of government.

HORACE E. FLACK.

Municipal Councils. Members of the city council are elected in Indianapolis on a general ticket according to a law enacted by the last legislature. Minority representation is also provided. The law applies to all cities having a population of one hundred thousand or more. The number of councilmen is fixed at nine. The city is divided into six councilmanic districts and each party is permitted to nominate not more than one candidate for each district. Each elector is entitled to vote for nine candidates at the general election. Thus, if there are candidates of only two political parties in the field there would be twelve candidates, nine of whom would be elected.

The first nomination of candidates for the council under this plan took place August 5 in the direct primary and the results have been pronounced good. In the republican primary the six candidates selected were all endorsed by the civic and anti-saloon leagues and two of the six democratic candidates were so endorsed. The multiplicity of candidates in the democratic party by dividing the strength of the better elements caused the defeat of some worthy candidates.

JOHN A. LAPP.

Municipal Government—Proposed Charter—Brockton, Mass. The report of the committee appointed by the Economic Club of Brockton, Mass., "to consider the principles and methods of economical government for a city of 50,000 inhabitants," which has appeared, contains a draft of a proposed charter apparently as an attempt to engraft modern

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ideas upon the traditional system. The more or less ideal character of the work is indicated in the statement that it is not presented with the expectation that it would ever be adopted by any city, but that "it might in the future serve as a working basis for some other more important body of men who could from this build a practical and effective charter."

The report evidences a study of the recent writers on municipal government and of the numerous attempts now making to evolve a more perfect organic law for cities. The committee believes that the separation of the legislative and administrative authorities of the city is unnecessary, but instead of placing the combined authority in a legislative body, the council, the report asserts it should be centered on the administrative where properly belongs "not less than nine-tenths of the work of governing a city successfully." The result is practically the "commission form" of government.

The departure of the recommended charter from the traditional system of New England cities is apparent in the first section where biennial elections are provided for together with a unicameral council. The council consists of a mayor and four councillors elected at large. These, together with the school committee, are the only officials to be elected by the people.

The direct primary is rejected as "an unnecessary obstacle between the people and the final polls," and also because "candidates would be compelled to bear the inconveniences and expense of a double election." Nominations are to be by petition of at least five per cent of the voters at the last election. The nomination petition must contain also a formal acceptance of nomination by the candidate. The names of all candidates are placed on the official ballot, the order being determined by lot and without party designations. As an encouragement of the practice of retaining efficient officers the names of the persons holding office as mayor, councillors and school committee and whose terms are about to expire are to be placed on the ballot as candidates for re-election unless otherwise requested by the person in writing.

The council exercises the usual powers of city councils except as modified by the charter. The mayor presides over the council but has no veto power. The administrative functions are grouped in five departments after the manner of the Des Moines plan but the grouping is at some points unique. The department of finance and public affairs includes supervision of the work of the city clerk, treasurer, auditor, solicitor, assessors, and all other departments not otherwise

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provided for. The department of engineering includes the work of the street and sewer departments, conduits, bridges, waterworks and water. The department of education supervises schools, libraries, play grounds, public buildings and public property. The department of public safety includes the fire and police departments and also street lighting and wiring. The department of health controls public health the poor and the city physician. The mayor is ex officio the "director, of finance and public affairs." Each of the four last named departments is assigned to a councillor as "director." Each director, under the supervision of the whole council manages his own department. The salary of the mayor is $2500 and of the councillors $2000.

The unusual features of the plan are, first: the definite placing of the clerk, treasurer, collector, auditor and assessors under the mayor, rather than under the council generally. In this arrangement there is the suggestion of the cabinet idea. The Berkeley, Cal., method of making the auditor independent of the spending authority seems not to have appealed to this committee. A second unusual feature is the creation of a department of education with a "director" or commissioner at its head. In New England the schools are administered through the city or town. To bring the existing school system into conformity with the new law this position is created and the director is ex officio chairman of the school committee. This feature was originally in the act for commission government of second-class cities in Kansas, but was eliminated by the legislature. A third matter to be noted is the inclusion of the care of the poor. This, again, is due to the New England method of caring for the poor by towns rather than by the counties.

The council elects the city clerk, treasurer and collector, auditor, solicitor, superintendent of streets, water commissioners, chief engineer of fire department, overseers of the poor, marshal, engineer, assessors, board of health and city physician, and any others required by law or ordinance. Likewise they appoint all employees of the city. Appointed officers hold office for three years but may be removed by the council after a hearing under state civil service laws. By this arrangement it appears that the director is responsible for the acts of his subordinates and yet these subordinates are not responsible to him but to the council as a whole. The result must be a weakening of the position of the director. To secure the operation of a merit system, all "officers, heads of departments and members of boards" are to be "recognized experts" or "persons specially fitted either by education or training and experience" and shall be "appointed without regard to party affiliations or

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to residence at the time of appointments." There seems to be no assurance that civil servants other than the classes just mentioned shall be placed on a merit basis also. Before appointments become permanent the appointees must pass an examination, non-competitive unless otherwise ordered by the council, before the state civil service commission. At the same time permanence and efficiency are militated against by the fact that the appointment of all officers is for a fixed term of three years.

All appropriations to be met from revenues other than loans are to be proposed by the mayor who prepares the budget. The council may not increase the budget's total. The consent of the mayor or a councillor, except in "emergency involving the health or safety of the people or their property" to any expenditure beyond the annual appropriation is made punishable by fine or imprisonment or both. A somewhat greater flexibility is permitted than in some of the "commission form" charters in that the auditor may, with the approval of the council, make transfers of funds from one division of a department to another or from reserve funds. Also, between November 1 and December 31 of any year transfers may be made from any appropriation to another. But no money raised by loan may be transferred to any appropriation from income or taxes unless such money be an unexpended balance after the completion of the work. The additional requirement of a bond as security for the financial rectitude of the councillors is not required. The auditor must furnish weekly to the council a statement of the unexpended balances of the appropriations of each department and monthly statements of moneys expended. Loans are made payable in monthly installments but no sinking funds shall be created.

The initiative, referendum, protest and recall are all in this charter. Popular initiative of an ordinance may be secured by petition. If not passed by the council the signatures of 10 per cent of the voters causes the proposed ordinance to be voted on at the next regular election, while signatures of 25 per cent will cause a special election. Repeal or amendment of such ordinances may be initiated by the council and referred to the people. Ordinances passed by the council do not take effect for ten days. Within that time a protest from 25 per cent of the voters will work a suspension of the ordinance until it is reconsidered and either repealed or referred to the people. All ordinances conferring rights or franchises upon public service corporations must be submitted to a vote of the people. The recall provision is substantially like that in many recent charters. A petition of 25 per cent works a suspension.

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The school committee is composed of five members, four of whom are elected by the people for four years. Two retire every second year. The member of the council designated as director of education is ex officio a member and chairman of the committee.

The whole plan reveals its Massachusetts origin and could be adopted elsewhere only after substantial modification. The absence of details as to the powers and duties of some of the officers is explained by the fact that this act is intended not as a complete charter but as an amendment to be affixed to an exisiting charter.

FRANK GREENE BATES.

Municipal Government—New Charter of Cranston, R. I. The charter of Cranston, R. I., which went into operation April 16, 1910, presents a sharp contrast to that proposed by the Economic Club of Brockton, Mass. In its general features the Cranston charter follows a plan which was considered more progressive a half century ago than it is today. In two points, at least, however, the charter is an advance over those already in force in the state:—the appointment of the police is in the hands of the mayor alone, and the council is unicameral.

The council consists of sixteen members elected annually, four from each of the four wards of the city. It is to a large degree the depository, not only of the legislative, but also of the administrative power of the city.

The mayor's duty is to "be vigilant and active in causing the laws of the state and the ordinances of the city to be executed and enforced." To this end he is clothed with magisterial powers. The only trace of real executive authority of the mayor is that he appoints the police officers. But here, even, he is given no specific power of removal. It is true that he has "general supervision of the subordinate officers of the city, and shall cause all neglect or violation of duty by them to be punished," but with such restricted appointing power and no means of administrative discipline, this "general supervision" must remain a rather weak instrument. The mayor presides over the council but has no vote except in case of a tie. His veto, which may ext o single items or sections of an ordinance, may be overridden by the votes of ten councilmen.

The administrative service is selected by a variety of methods. The people elect the treasurer, overseer of the poor and school committee; the council elects the superintendent of health and city physician, surveyor of highways, engineer, judge of probate, collector, auditor,

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solicitor, clerk, harbormaster, three assessors, three commissioners of the sinking-fund and all other officers not otherwise provided for; the police force alone are appointed by the mayor. All terms of office are for one year, except the assessors, sinking-fund commissioners and school committee, who hold for three years. The school committee consists of the mayor and two members from each ward.

Throughout the document certain peculiarities due to local conditions are noticeable. The council being a tax-raising and a revenue-expending body, the suffrage for electors of this body is restricted by the state constitution to persons paying a tax on at least one hundred and thirty-four dollars worth of property. The election of overseers of the poor and school committee is the result of the New England custom by which the administration of the poor law and of the schools is by the town or city rather than by the county. The inclusion of a judge of probate is due to the fact, true only in Connecticut and Rhode Island, that probate matters are here a town rather than a county function.

The authors of this charter have, in the main, adhered strictly to precedents found in the vicinity, and have gone on to construct the charter quite oblivious of the progress in municipal organization of the last twenty-five years.

FRANK GREENE BATES.

Ohio: The Legislative Session in. A great number of questions of first-rate importance are engaging the attention of the Ohio general assembly this year. The message of Governor Harmon (Democrat) contained an extensive programme of progressive legislation, which was in the main accepted and supplemented by the republican leaders of both houses. There has been a really remarkable display of disinterested coöperation between both parties in enacting measures of vital importance to the state. Besides legislating on a wide variety of subjects, the general assembly has instituted several important investigations, the most striking being a "graft-probe" of the executive departments under former administrations, resulting already in one important conviction with the probability of others.

ADOPTION OF A CODE. Perhaps the most important legislative achievement of the session will be the adoption of a code, the product of three years of assiduous labor by a commission appointed by Governor Harris in 1907. While charged only with bringing the existing laws into a harmonious and consistent form, the commissioners wisely interpreted their duty liberally and did not hestitate to make numerous changes in

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the phraseology of the statutes which previous judicial decisions had shown to be desirable. Acts and parts of acts declared unconstitutional were eliminated, redundant and tautological expressions excised, and the language clarified and relieved of ambiguities. The magnitude of the work can be judged from its cost, $80,000. Both chambers of the Assembly passed self-denying ordinances in refusing to enter upon the consideration of any other matter until the report of the code commission had been reviewed. For this work each house appointed seven code committees, the fourteen chairmen of which constituted a joint committee on consolidation of the laws. The report was divided up among the fourteen committees, and these in turn accomplished the work through numerous sub-committees of two or three, into which they divided. Each committee carefully compared its portion of the report with the original statutes and reported all material changes and errors to the joint committee. A number of amendments of importance were made to the commission's report, but in general it was adopted as presented. The work of reviewing and adopting the report of the code commission occupied the first month of the session.

LOCAL OPTION. Ohio has again refused to permit the local option law to be amended in the interest of the liquor traffic. The present law permits a municipality in a wet county by local option to exclude the saloons; but does not permit a municipality in a dry county to admit them. The Dean bill, extending the local option principle in this latter direction, was defeated in the Senate by sixteen for, and eighteen against.

EMPLOYER'S LIABILITY AND WORKMEN'S COMPENSATORY ACTS. The Norris employer's liability bill, which had received the endorsement of the Ohio Federation of Labor was defeated in the house. A similar measure (the Matthews bill) is, however, being considered by the senate, and since the vote in the house was very close, it is very possible that it may yet find its way into the statute-book. This measure seeks to greatly extend the law enacted in 1908 (see POLITICAL SCIENCE REVIEW, Feb., 1909, p. 63). That statute is confined to railway companies. The measure under consideration is general in its application, and more far-reaching in its effects. It practically abolishes entirely the "fellow servant" doctrine and the doctrines of "assumption of risk" and "contributory negligence," and throws the same liability upon the employer as is imposed by the Federal law. The house in defeating the Norris bill must not be understood as opposing all legislation on this subject. It passed at the same time an act providing for a commission, consisting of a representative of labor, a representative of capital, an economist of reputation and an

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attorney to study the legislation of other states and foreign countries and prepare, for submission at the next session of the legislature, the draft of a Workmen's compensatory act. The Norris and Matthews bills are considered by many too radical, and it is urged that somewhat more deliberation would secure a fairer and more satisfactory law. Which of these two measures will ultimately be adopted is difficult to predict.

PUBLIC UTILITIES COMMISSION. A public utilities bill (the Woods bill), modeled in general on the Wisconsin law, is upon the stocks with every indication of being successfully launched.[1] The present railway commission is transformed into a public utilities commission with greatly enlarged powers. The act authorizes the commission to fix the rates to be charged and to prescribe regulations to insure satisfactory service by all public service corporations. Every complaint of unjust rates or poor service must be investigated. The commission is empowered to make an appraisal of all public utilities and to publish the valuations; to devise a uniform system of accounting for all public utility companies and to to compel its adoption. No additional stock or bond issues may be made without approval of the commission; and the commission is instructed by the act to prevent mergers and corporate reorganizations from being made the occasion for "watering" stock. All orders of the commission are to be executed by the companies on pain of a fine of from $100 to $1000 a day. If a company wishes to appeal to the courts from the decision of the commission, it is required to obey the mandate of the commission pending the judgment of the court; but when a railway or any of certain other classes of public service corporations, on raising its rates, is required by the commission to restore the old rates, it is permitted, pending the judgment of the court on appeal, to charge the new rate, giving claim checks by which the difference between the two rates may be recovered, should the court sustain the commission. In both Wisconsin and New York the commission is given larger powers over the granting of franchises than is provided for by the Ohio bill. In New York the grant of a public utility franchise is ineffective until approved by the commission. In Wisconsin the local authorities are totally divested of the power to grant franchises to public service corporations, and that power is vested entirely in the commission. The Ohio measure preserves the principle of municipal home rule with respect to the granting of franchises. None of the powers now exercised by the

[1] Contrary to general expectation this bill was defeated by an adverse vote in the senate.

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municipalities is to be disturbed. The law will in nowise affect the right of the people to decide by referendum on street-railway franchises. The commission, moreover, is not permitted to abrogate or alter any contract or franchise between a municipality and a public service corporation. The bill, covering forty-eight pages, is one of the longest ever introduced into the Ohio legislature.

TAXATION: A TAX COMMISSION. More attention is being given the subject of taxation this year than any other. The system of taxation in Ohio is notoriously defective. The evils of the general property tax flourish here in an exaggerated form. The constitution provides that "Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property, according to its true value in money." This provision has hitherto effectively tied the hands of the legislature from all reforms of an antiquated taxing system. Under this system two main inequities have grown up: intangible wealth has increasingly evaded its share of the burdens of government; and the several counties have vied with each other in lowering the assessment on real estate. The state levy on all property returned for taxation is 1.345 mills on the dollar, of which one mill is for public schools, 0.245 mills for university and normal school purposes, and 0.10 mills for payments on the sinking fund and interest on the irreducible debt. The county, township, school district and municipal levies are of course added to the state levy, and vary widely. It is manifestly to the advantage of the property owners of a county to make the assessment of taxable property as low as possible, though this involves a high tax rate for the various local levies, in order to reduce the county's contribution to the state to the lowest possible point. The most egregious inequalities have resulted. The wealthy county of Lucas (Toledo) has actually been receiving more from the state for her public schools than she has raised for that purpose; in other words, the poor rural counties are helping to support the public schools of Toledo. Another effect has been to necessitate a very high tax-rate. The combined state and local levies amount in some instances to 6 per cent, and in many cases to 4 per cent. Stocks and bonds and other forms of personal property, which are unable like real estate to evade the constitutional requirement that they shall be taxed "according to their true value in money." by a very low assessment, are forced into hiding. Real estate practically bears the entire burden. It is this complicated problem with which the legislature is grappling.

By the Shankland bill it is proposed completely to abolish the state

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levy. Each county is charged with the support of its own schools, and is required to levy for that purpose a tax of one mill on all taxable property. Provision is made for state aid to poor counties when the one mill county tax does not bring as much as two dollars per child of school age. The universities and normal schools, and the sinking fund and irreducible debt are provided for by state levies upon the counties equal to 110 and 53 mills respectively for each resident of the county according to the last preceding federal census, to be paid out of the general fund of the county. By this means the system of a tax duplicate for a state levy is utterly abolished, and the inducement to reduce the assessment removed. There is some question as to the constitutionality of the measure. Since the same amount of property in a poor but populous county would have to pay a much larger contribution to the state than in a rich one, it is averred by some that the constitutional principle of uniformity would be violated. The attorney general has, however, pronounced in favor of the validity of the act.

By the Alsdorf bill it is proposed to place a maximum limit of ten mills on the dollar for the general property tax. Governor Harmon has lent the weight of his support to this measure. It is maintained that a 1 per cent general property tax will provide abundant funds for county, township and municipal purposes, and also enough to pay the state levies for higher education, sinking-fund and interest. This will involve reassessment at more nearly the true value of real estate. Moreover, if owners of personal property are assured that the tax will not be more than 1 per cent, it is believed that there will be a general willingness to disclose it. Many of the assessors and tax-experts express serious apprehension that the passage of this bill is likely to leave some counties short of funds. It is altogether likely that the measure will be amended before passage, permitting the laying of a higher tax than ten mills in any county where such a tax would not bring in as much revenue as was raised last year. Governor Harmon is opposed to this amendment, and believes that it would largely vitiate the tonic effect which the bill is intended to secure.

Another very important measure is the Langdon bill which establishes an appointive tax commission of three persons, with very extensive powers of assessment of all public utilities, and supervision of assessment and taxation generally. All public service corporations are required to make elaborate reports of the details of their business, including statements of assets, real estate owned, gross receipts, amount of capital stock, par and market value of the same, miles of road-bed and lines of wire owned, number of cars operated, names and addresses of officials, etc.

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The tax commission supersedes the hundreds of boards of state and county officers, which hitherto have exercised powers of assessment over such corporations, and becomes the sole authority for fixing the value of their property. In determining the value of corporate property the commission is instructed to take the actual or market value of the capital stock as representing the actual value of the property. In cases where capital stock is partly based on the value of a franchise, this involves, it is manifest, the taxation of franchises. The commission discovers what portion of the capital stock of a company represents its property within Ohio, in cases of companies doing an interstate business. For the purpose of the general property tax this amount is apportioned among the counties and smaller local divisions. A state excise tax of from 1 to 3 per cent is also imposed upon the gross receipts of all such public utilities.

Single Board of Control. Another measure of general interest is the Alsdorf bill creating a single board of control for all the public institutions of the state, excepting educational institutions. This single board will supersede the nineteen or twenty boards which now administer as many separate institutions in a more or less wasteful manner. This too is a measure to which Governor Harmon is strongly pledged. It goes even farther than the similar measure recently enacted in Illinois, which did not bring the penal institutions under the central board. Some opposition has developed to this measure in the legislature and it is possible that it may not pass in its present form. Possibly the separate boards will be retained, but a common purchasing agent be provided.

Other Measures. A bill to reduce the size of school-boards in cities, and abolish sub-district representation (a most important measure for Cincinnati, Columbus and Dayton, where election of the representatives to the school-board from wards has been a fruitful source of evil); the amendment of the direct primary election law extending its application to congressmen, and relieving village and township offices from its operation; a bill providing for the election of judges on separate non-partisan ballots; and one establishing a legislative reference library, are among the other important measures now under consideration.

Constitutional Convention. The need of a revision of the constitution of Ohio is generally felt. The constitution adopted in 1851 has been amended in only a few minor particulars and in many respects requires alteration. Probably the article on taxation, already alluded to, is the most serious defect, but it is by no means the only one. The constitution provides that the question of calling a constitutional convention for the purpose of revising the constitution shall be submitted

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to the people by the legislature at a regular election every twenty years. Next year is the time for this referendum to be taken. A majority of those voting at the election must pronounce in the affirmative in order to institute such a body, just as a majority of those voting is necessary to ratify any amendment to the constitution. The indifference of the ordinary voter upon such constitutional questions has hitherto been responsible for blocking every effort to call a convention. It is now proposed, and a bill to that effect has been introduced, to count as voting affirmatively on the question of a convention all straight party tickets when the voter has made his cross in the circle at the head of the ticket, provided the calling of the constitutional convention has been endorsed by the party convention. Should the constitutionality of this measure be established there seems little doubt that Ohio will have next year an opportunity to effect a total revision of her fundamental law.

THE FEDERAL INCOME TAX. The recommendation of Governor Harmon that the federal constitutional amendment, empowering congress to impose a uniform income tax be ratified by the Ohio legislature appears to have not been favorably received. The Senate finance committee has thus for persistently refused to report a resolution to that effect and it is understood no such resolution will be reported. Governor Hughes' opinion on the question seems to be decisive with the republicans of the Ohio general assembly.

WALTER JAMES SHEPARD

Pensions: Report of Massachusetts Commission on. The report of the commission on old age pensions, annuities and insurance, presented in January (Mass., 1910, House Doc. 1400), is now available. It is a thorough study of the whole field with relation to conditions in that commonwealth, and gives material for careful study. Whether or not one agrees with all the conclusions reached (and while the general report, final conclusions and all, is signed by all five commissioners, there are appended three dissenting statements by two of them), still the extent of the work must be appreciated. That part of the discussion which seems somewhat unsatisfactory is with regard to the wages question and the standard of living. However, the statement of the commission itself (p. 248) must be borne in mind: "While it is thus extremely difficult to answer the preliminary question as to what constitutes a living wage, it is practically impossible to answer the further question as to whether the wage earners as a class now receive a living wage. The data required to determine this point conclusively are not available. Such wage statistics as are to be had for the United States and for this common-

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wealth do not afford a basis for a decisive pronouncement on the question under consideration; they merely serve to indicate broadly the general level of wages."

The scope of the inquiry is indicated by the statement of the three general questions into which the work is analyzed.

1. What are the various systems of old age pensions, insurance or annuities proposed or adopted in this commonwealth or elsewhere?

2. Is it advisable to establish a system of old age insurance, pensions or annuities in this commonwealth?

3. As a special phase of the preceding question, what would it cost to take such action?

With these three questions to be answered the commission analyzed the subject matter for study as follows:

a. Universal non-contributory pension schemes.
b. Partial non-contributory pension schemes (England, Australia).
c. Compulsory contributory insurance with state subsidy (Germany).
d. Voluntary contributory insurance with state subsidy (Belgium).
e. Voluntary insurance under state administration (Canada, Massachusetts).
f. Voluntary insurance under private management.

Not only did the commission study the governmental schemes referred to, but also the various police, firemen and teachers' pensions schemes illustrated in many cities, and various private schemes of railroads and industrial corporations.

The Baltimore and Ohio Railroad Company established a pension scheme in 1884 and "since 1898 there has been a rapid extension of private pension and insurance systems." The commission presents information obtained relative to fifty such plans in actual operation.

In the field of governmental systems Germany was the first in 1889; then came Denmark in 1891, and in the ten years beginning 1898 a number of foreign countries adopted such systems. No American state has entered the field at all, and indeed, though the question is one of much present discussion and destined to require careful study and probably some solution in the not distant future, no comprehensive inquiry has been authorized by any State before this one.

The fundamental questions proved to be reducible to these:

Contributory or non-contributory.
Compulsory or voluntary.
Universal or partial.

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The commission (with two members dissenting) declares against pension schemes of a non-contributory character, (p. 300) on the grounds of: (1) the heavy expense, (2) the enervating influence on character, (3) the disintegrating effect on the family, and (4) the depressing effect upon wages. The dissent noted is not only to this general conclusion as such, but also to the force of the arguments used in reaching it. The commission further concludes (p. 310) that "the adoption of any scheme of compulsory insurance in this state appears to be inexpedient at the present time," though there is the admission that "it is conceivable that the final solution of the problem of old age insurance may be found in some system of obligatory state insurance." One member, however, dissents from such a statement as the last quoted (p. 333). The commission having thus concluded that if a scheme were to be adopted, it should be contributory and voluntary, the third question becomes "relatively unimportant." While participation should be universally open, experience seems to show that practically such a plan would never become universal in application (p. 314).

With these three general conclusions reached, the commission then recommends (p. 316) retirement schemes for state, for county and for municipal employees, which shall be contributory, coöperative, and compulsory upon those entering the service after the adoption of the system. With regard to any general plan, however, the commission holds that "it would be inexpedient for Massachusetts or any other state to adopt a system of old age pensions, either at the present or at any time in the future." This is sweeping, but the commission is settled upon its decision, which moreover is without dissent, that such action, if taken at all, should be taken by the national government. The savings bank insurance plan should be given a thorough test, and problems of sickness and accident insurance should receive attention.

The "constructive recommendations" of the commission are summarized as follows:

1. That "thrift" be included among subjects of compulsory instruction in the public schools.

2. Urges upon the attention of employers and employed the opportunities of the savings bank insurance system.

3 Urges the enactment of a law authorizing employers and employees to form associations for payment of pensions and annuities from funds formed by joint contribution. (From this recommendation, however, two members dissent.)

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4. Directs attention to old age insurance offered by industrial insurance companies.

5. Suggests that "in due time" fraternal beneficiary societies be authorized by law to pay old age benefits.

6. Enactment of measures providing retirement benefits for public employees.

7. Finally, recommends establishment of a permanent unpaid commission on old age pensions and insurance.

The commission has done great service in bringing this material together, and giving it an evidently careful and painstaking study, whether or not its ultimate conclusions appeal to all. The spirit of its work can well be shown by the final paragraph of the report which may be quoted. "The fundamental purpose of the recommendations thus offered is to promote the habit of thrift and to extend the usefulness of agencies that furnish opportunity to provide, by individual saving, against old age. Thus far only a beginning has been made in this field. Until the possibility of existing thrift institutions has been developed to the limit of their effectiveness, it is premature to consider resort to non-contributory state pensions or compulsory state insurance. Whatever the ultimate policy may be which the American states will work out in this field of social legislation, it is obviously desirable to build up, by every practical expedient, the habit of voluntary saving and the facilities provided for its exercise. Even if it should appear eventually that these means are inadequate to the final solution of the problem of old age dependency, the development of such thrift agencies will furnish a solid foundation upon which to build a general scheme of state pensions, annuities or insurance."

C. B. LESTER.

Public Utilities Law: New Jersey. The recent New Jersey public utilities act transforms the existing state railroad commission into a state board of public utility commissioners and extends its jurisdiction so as to embrace general supervision over all public utilities, including every railroad, express, street railway, traction, canal, subway, gas, electric light, heat and power, water, sewer, telephone, telegraph, pipe line or other company operating within the state for public use. Although the act does not give the board rate-making powers, it provides that the board may examine complaints concerning rates charged by any public service company and make such "recommendations" as it may see fit

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concerning them, and if it finds that any such company is granting rebates or other unjust and unreasonable discriminations, the board may direct it immediately to cease therefrom. If the orders of the board are enforceable, this provision will probably give it the power to prevent any public utility company from charging certain communities or individuals more favorable rates than others. In examining complaints the board may inquire into the cost of furnishing the various public services, and, though without the direct power of reducing rates, may be instrumental in bringing legislative relief by making public any excessive differences which it may discover between the cost of furnishing public services and the selling price.

The board is given the power to require public utility companies to comply with the laws of the state by performing public duties imposed upon them; to require them to furnish safe and adequate service; and to require concerns of the same class to adopt a uniform system of accounting. To carry into effect the foregoing powers, the further power is given the board of compelling the attendance of witnesses and the production of papers, accounts and documents.

In order to prevent over-capitalization and the attendant evils of watered stock, the act provides that no stock or bond issues shall be valid unless approved by the board. The approval of the board is also required for the validity of any merger or consolidation of the property, rights and franchises of separate companies.

It is further enacted that no privilege or franchise hereafter granted to any public service company by any local, municipal or county governing body shall be valid until approved by the board, whenever it shall, after due hearing, determine that such privilege or franchise is necessary and proper for the public convenience. This practically deprives the municipalities of home rule in regard to the granting of franchises, but is justified by the abuses which have arisen through the corrupt influences often brought to bear upon local governing bodies in the matter of granting franchises. According to the act, any public utility company may appeal to the board from any regulation made under existing law by any local, municipal or county governing body, and, upon hearing the appeal, the board may make such order as shall seem just.

Doubt has been freely expressed as to whether the board is given any real power of enforcing its orders. The act merely provides that the orders of the board shall be enforceable in the manner provided by the act of 1907 for the enforcement of the orders of the state railroad commission. The latter act authorized a suit in equity to compel specific performance

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of the orders of said commission, but this was changed by an amendatory act of 1909, which provided that a penalty "not exceeding $100" a day should be imposed for refusal to obey an order of the commission, to be recovered in an action of debt. But in an action of debt the sum due must be exactly specified, and this makes it doubtful whether a penalty of indefinite amount "not exceeding $100" could be recovered in the manner provided.

The effectiveness of the measure, however, will largely depend upon the character of the men who compose the board, and, even without the power of enforcing its orders, something may be accomplished through the means of publicity by an able and impartial body of men. It is therefore important to note that the act fails to provide that no member of the board shall have any official relation with or hold any stock in any public utility company operating within the state, though this omission is partially remedied by the provision that no member of the board shall take part in any proceeding concerning any public utility company in which he holds any stock, bonds, or other securities.

J. M. MATHEWS.

Redistricting the State, Rhode Island. A commission of nine persons has been appointed by the governor, with the advice and consent of the senate, to draft and report an act providing for a house of representatives of one hundred members, in accordancce with the provisions of article xiii of amendments to the constitution of the state, voted upon and passed by the people in November, 1909. This commission is expected to report in August, 1910, at an adjourned session of the general assembly. Under the old régime the house of representatives has been limited to seventy-two members. Each town or city was always entitled to at least one member, but no town or city was allowed to have more than one-sixth of the whole seventy-two, the ratio being one representative to every 1530 inhabitants. By the constitutional amendment the house of representatives is increased to 100 members, and is constituted on a basis of population, always allowing one representative for a fraction exceeding half the ratio. As before, each town or city is always entitled to at least one member; and no town or city is to have more than one-fourth of the whole one hundred. The work of the commission is to divide each town and city into as many districts as it is entitled to representatives, (after each census, or as the occasion may require, each town or city may be so divided) and one representative is to be elected from each dis-

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trict by the qualified electors thereof. Such districts are to be as nearly equal in population and as compact in territory as possible.

GRACE SHERWOOD.

State Governmental Organization, Proposed Reforms in. During the past twenty-five years students and reformers have devoted a great deal of attention to questions of municipal government and as a result of concentrated interest in this subject much improvement has been made. It is perhaps not too much to say that in municipal questions today there is a much more intelligent interest upon the part of the public at large, and that this interest has been developed to a large extent by the work of students in this field. On the other hand comparatively little attention has been devoted to our state governments. So much improvement has been made in our municipal governments that it is now proper to question the accuracy of the statement made by Mr. Bryce more than twenty years ago that "the government of cities is the one conspicuous failure of the United States," and to suggest that perhaps such a statement may be better applied to state rather than to municipal affairs.

But the attention of students is being more and more directed to our state institutions, and a greater public interest in state affairs is gradually developing, Two suggestions for a thorough-going reform of state governments have recently been made, which reflect this growing interest, and perhaps indicate the direction which may be taken in future state governmental reforms. Mr. Herbert Croly in a recent work on *The Promise of American Life* (Macmillan, 1909), has criticised in an acute manner our present state organizations and has proposed certain definite reforms.

A group of reformers in the state of Oregon, of whom Mr. William S. U'Ren is perhaps the best known, issued in August, 1909 an "Introductory letter" containing "a bill for a law and suggested amendments to the constitution of Oregon designed to provide a system by which the conduct of state and county government may be made as efficient and economical as the management by the citizens of their private business." It may be worth while to outline briefly the main points of these two proposals.

The Oregon proposals relate not only to the state administrative organization, but also to the relations between state and local government, and to judicial reform; but will be considered here only in so

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far as they deal with state legislative and executive reorganization. The Oregon proposals may be summarized as follows:

(1) The popular election of three "People's Inspectors of Government" to supervise and investigate the management of all departments and offices of state and local government, and to publish a state gazette for free distribution to taxpayers and voters.

(2) The senate should be composed of thirty members and the house of representatives of sixty members, the members of both houses to be elected for six years. The people reserve the power at any time to dissolve the two houses or either of them, by means of a petition and popular election. Individual members of the house and senate are already subject to the recall. The legislative sessions should be annual and members should receive fixed annual salaries. Many restrictions upon the legislative power should continue. The people retain the powers of initiative and referendum, but the legislature when submitting an initiative proposal to the people may at the same time submit a competing measure approved by itself; and not more than twelve measures are to be submitted at any one election; emergency measures may go into effect immediately if voted for by three-fourths of all members elected to each house, but may be repealed by a referendum vote. The presiding officers of the two houses are to have no voice nor vote in the legislative proceedings, and are not to appoint the standing committees. With some exceptions committee meetings must be open; public hearings upon legislative measures are required. Any citizen may bring action in the circuit court to have a law set aside on the ground of undue influence, and if upon trial a jury finds that there was undue influence, the law does not become effective unless approved by the people on a referendum vote. Senators and representatives are to be chosen by a system of proportional representation in such a manner that one-sixtieth of the voters of the state may elect a representative and one-thirtieth a senator. Candidates for these offices are to be nominated in districts but to be chosen by the voters of the state at large; rather, each candidate's name is to be printed only on the ballot of his own district, but any voter of the state may vote for such candidate, and such votes will be counted for him; each voter being allowed to vote for but one senator and one representative.

(3) The governor should be popularly elected by the people of the state, and should hold office for six years. He would be subject to the recall under the constitutional amendment adopted by Oregon in 1908.

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He should have the appointment of sheriffs and district attorneys for each county; and should also appoint "the attorney-general, the secretary of state, state treasurer, state printer, superintendent of public instruction, secretary of labor, and the state business manager, who shall constitute the cabinet." The state business manager, subject to the governor's approval, is to direct and manage the business departments and affairs of the state. A state auditor is to be popularly elected for a six-year term. The governor is to have complete authority and control over all state institutions, state business, and state functions now wholly or partly managed by boards or commissions. He may retain such boards or commissions in an advisory capacity if he desires, but is to be directly and personally responsible for the state administration, and no new board or commission is to be created unless after a referendum vote. The board of railroad commissioners is to be excepted from these provisions.

(4) The relations between governor and legislature are to be fundamentally altered: "The governor and his cabinet shall have seats on the floor of both houses of the legislative assembly, and when that body is sitting it shall be his duty and that of the members of the cabinet, but not necessarily together, to attend at least one session of each house each week. The governor shall have the right to introduce any measure or resolution in the house of representatives; it shall be his duty to introduce the appropriation bills for the maintenance of the state government and of existing state institutions. These measures shall be known as administration measures. The governor and members of the cabinet shall have the right to speak and to move for administration measures. The governor may appeal from the action or failure of the legislative assembly to act on any administration measure to a referendum vote of the people, and he is hereby authorized at his option, to order the referendum in such cases at the next ensuing regular general election that the voters may choose between the governor's and the legislature's measure." The governor's veto power is to be withdrawn. The governor and members of his cabinet, when in attendance on either house, are required to answer any questions submitted to them in writing concerning the administration of the government or any department thereof, unless the giving of an answer might be prejudicial to the public interest.

Mr. Croly finds that the two leading tendencies in the United States today are those toward popular legislation and toward looking upon the governor as the responsible head of state administration. He,

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therefore bases his proposals upon these two tendencies, and says: "The function of the representative body needed, under a system of direct legislation, is substantially that of a legislative and administrative council or commission. It should be an experienced body of legal, administrative, and financial experts, comparatively limited in numbers, and selected in a manner to make them solicitous of the interests of the whole state. They should be elected, consequently, from comparatively large districts, or, if possible, by the electorate of the whole state under some system of cumulative voting. The work of such a council would not be in any real sense legislative; and its creation would simply constitute a candid recognition of the plain fact that our existing legislatures, either with or without the referendum, no longer perform a responsible legislative function. The governor should be empowered not merely to suggest legislation to the council, but to introduce it into the council. His right to introduce legislation need not be exclusive, but bills introduced by him should have a certain precedence and their consideration should claim a definite amount of the council's time. The council would possess, of course, full right of rejection or amendment. In the case of rejection or an amendment not acceptable to the governor the question at issue would be submitted to popular vote." (pp. 329-30).

"A system of local government, designed for concentrating power and responsibility might consequently be shaped along the following lines. Its core would be a chief executive, elected for a comparatively long term, and subject to recall under certain defined conditions. He would be surrounded by an executive council, similar to the president's cabinet, appointed by himself and consisting of a controller, attorney-general, secretary of state, commissioner of public works, and the like. So far his position would not differ radically from that of the president of the United States except that he would be subject to recall. But he would have the additional power of introducing legislation into a legislative council and, in case his proposed legislation were rejected or amended in an unacceptable manner, of appealing to the electorate. The legislative council would be elected from large districts and, if possible, by some cumulative system of voting. They, also, might be subject to recall. They would have the power, dependent on the governor's veto, of authorizing the appropriation of public money and, also, of passing on certain minor classes of legislation—closely associated with administrative functions. But in relation to all legislation of substantial importance express popular approval would be necessary. The chief executive should possess the power of removing any administrative

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official in the employ of the state and of appointing a successor. He would be expected to choose an executive council who agreed with him in all essential matters of public policy, just as the president is expected to appoint his cabinet. His several councilors would be executive officials, responsible for particular departments of the public service; but they would exercise their authority through permanent departmental chiefs—just as the secretary of war delegates much of his authority to a chief of staff, or an English minister to a permanent under-secretary.'' (pp. 238–39.)

Both of these plans are similar in that they emphasize (1) popular legislation, and (2) the diminution of the number of elective officials and concentration of all administrative authority into the hands of the governor. Both plans agree also in proposing a system of executive government—a scheme in which the governor predominates. The Oregon reformers propose to leave to the legislature power to originate measures, and to continue the popular initiative. Mr. Croly rejects the popular initiative and gives to the governor almost the whole power of initiating legislation, suggesting that under this plan candidates would propose a definite legislative program when running for office, and relying upon the recall to keep a governor in touch with popular sentiments and desires. Under both plans, however, the governor would be the dominating authority in matters of legislation, and may always appeal to the people if his measures were rejected. Under either of these plans a governor elected upon a definite legislative program would have no difficulty in carrying it through; and even if elected without such a program he would have a great advantage over the legislative body if an appeal were taken to the people upon a specific measure. Both of these plans propose a rather wide departure from the traditional principle of the separation of powers.

Mr. Croly's plan requires a referendum upon all important measures, but this seems hardly necessary if a governor has been elected upon a definite legislative program, as he assumes will be the case. Then too, both the governor and the legislature may be kept in accord with popular sentiment by means of the recall. It would seem better, as under the Oregon plan, to let a law enacted by the legislature go into effect unless a popular vote were petitioned for. It is too much to expect the voters to pass upon all laws to be enacted by a state, and this fact is recognized by the Oregon proposal to limit the number of referenda. The proposals for the initiative, referendum, and recall tend to complicate the electoral machinery and thus to defeat one of the ends aimed at in

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both of the plans here discussed—the simplification of elections to such an extent that a voter may be able to form some intelligent judgment with reference to the men and measures voted upon. The plans both of Mr. Croly and of the Oregon reformers are based upon the view that state elections will be fought upon state issues, but is this likely to be the case? The control of interstate corporations and of railways must in time fall within the federal jurisdiction and thus withdraw from the states the questions which now influence their local politics to the greatest extent. Aside from matters of private legislation, the remaining state problems are those not so much of policy as of efficient administration—questions so technical and so detailed that they will hardly serve as issues for political contests.

It is a curious coincidence that two plans so similar in their general features should have been proposed at almost the same time for the reorganization of state governments. Our cities have in recent years been very free to try new experiments in government, but the states have been more conservative. Oregon would perform a valuable service by adopting a scheme somewhat like that proposed. This state has already served to a certain extent as a laboratory for the trial of new governmental experiments, and it would be particularly useful to have some one state adopt an organization materially different from that now employed, so that other states may learn a lesson from such an experiment. Then too it would be practically impossible to make matters much worse than they now are in our state governments, and both of the plans here discussed have many features which are to be commended.

Our present state government by means of independent boards and commissions must, it seems, give place to some better system of organization. The Oregon reformers in presentimg their scheme say: "There are forty-seven boards and commissions created to enforce the laws and manage the business of the state of Oregon. In addition to these, we have the governor, secretary of state, state treasurer, superintendent of instruction, state printer, attorney-general, commissioner of labor, thirty-four sheriffs, unknown numbers of deputies, police and constables, eleven district attorneys and thirty-seven deputies. Everyone is in great degree independent of all others and of everybody else. There is no one officer who is responsible to the people of the state for the enforcement of the state laws and the efficient management of the state business. The constitution says the governor 'shall take care that the laws of the state be faithfully executed,' but gives him no power beyond that

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of making recommendations. No successful private business is conducted so carelessly as American public business, and it is generally admitted that the state and county governments are seldom successful either in enforcing the laws or giving the taxpayers good value for their money."

Similar statements may be made regarding the government of practically every state in the United States. State governmental organization is cumbersome and inefficient. Mr. Francis H. White, in an excellent article published several years ago, said: "It seems hardly possible that the present system of almost independent commissions can be permanent. They fail to work in harmony, to coöperate, to give each other the benefit of experience that might be helpful. In the absence of a central control, there is no way to coördinate the duties of the several boards. The present seems to be a transitional stage, arising from the gradual assumption, by the state, of new duties without an adequate realization of all that it involved, and without a general plan."[1]

In recent years there has been some tendency toward concentration of authority in the administration of state affairs. In a number of states boards of control have been established to administer and control all state charitable and correctional institutions, replacing in many cases independent boards for each institution. In New York in several cases single commissioners have replaced boards in the direction of state services, and in some other cases there have been slight tendencies toward centralization of authority and simplification of governmental machinery. On the whole, however, the present situation is very well summed up in language which Professor Merriam used in 1905: "The multiplication of state agencies, agricultural, commercial, sanitary, educational and charitable in character, goes steadily on. In round numbers 300 such boards or offices have been created within the last three years. A development toward consolidation of branches of state government may be discovered, but this is not strong enough to affect the indiscriminate increase of state agencies."[2]

[1] *State Boards and Commissions.* Political Science Quarterly, xviii, 631, 654.

[2] New York State Library *Review of Legislation,* 1905, p. 151. For general reviews of this subject see Professor Merriam in New York State Library *Reviews of Legislation,* 1901-1906, and the *Indexes of Legislation* 1907-1908. See also Sparling, *State Boards of Control,* Annals American Academy of Political and Social Science, xvii, 74; and Blue, *Recent Tendencies in State Administration,* ibid, xviii, 434.

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As yet we have not passed beyond the transitional stage of almost complete admimstrative disorganization in our state governments. It is a hopeful sign, however, that greater attention is being directed to the situation. Governors of several states have spoken out directly with reference to the matter. Governor Hughes of New York in his inaugural address in 1909 directed attention to the administrative disorganization in that state,[1] and in his message to the legislature which assembled in January, 1910 he said: "As I stated in my last annual message, progress in solving the problems of state government would seem to involve the concentration of responsibility with regard to executive powers. To accomplish this there should be a reduction in the number of elective offices. The ends of democracy will be better attained to the extent that the attention of voters may be focussed upon comparatively few offices, the incumbents of which can be held strictly accountable for administration. This will tend to promote efficiency in public office by increasing the effectiveness of the voter and by diminishing the opportunities of political manipulators who take advantage of multiplicity of elective offices to perfect their schemes at the public expense. I am in favor of as few elective officers as may be consistent with proper accountability to the people, and a short ballot. The governor, lieutenant-governor, secretary of state, state comptroller, attorney-general, state treasurer, state engineer and surveyor, senators, assemblymen, sheriffs, county clerks, district attorneys, county registers and supervisors, as well as judges of the court of appeals, justices of the supreme court, county judges, surrogates and justices of the peace are elective officers under the state constitution. It would be an improvement, I believe, in state administration if the executive responsibility were centered in the governor, who should appoint a cabinet of administrative heads accountable to him and charged with the duties imposed upon elected state officers."

Intelligent official opinion is, then in favor of a more efficient state organization and of concentrating responsibility upon the governor for the state's administrative activities. These ends would be accomplished both by the Oregon proposals and by Mr. Croly's suggestions. The idea of appointing a state business manager and of vesting in him all business functions of the state is a somewhat fanciful one. An expert charity officer would probably administer state charitable and

[1] Governor Hughes statements in 1909 may be conveniently found in Beard's *Readings in American Government and Politics*. 436-438.

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correctional institutions much more efficiently than a general business manager, and the same statement holds true as to any other lines of technical state service. In this respect the Oregon reformers have pressed too far the analogy between private business and public business. This however is not essential to the scheme, which is on the whole an excellent one in as far as it attempts to centralize responsibility and to reduce the number of elective officers. The proposal to alter present relations between the executive and legislative branches is an interesting one and one in line with recent tendencies in some of our larger states and in the federal government. A trial of the new system would be an experiment of great interest and one likely to result successfully.[1]

W. F. Dodd.

[1] This note was originally written for the February number of this Review. Since it was written another pamphlet has been received which was published by the Oregon reformers in January, 1910. In this later pamphlet some changes are made in the plan outlined above. "Because of strong opposition the provisions requiring initiative measures to be submitted to the legislature before being voted on by the people, and also the limitation on the number of measures that may be submitted by the legislature, are stricken out." Active steps are being taken to have the Oregon proposals submitted to the people by initative petition at the November election.

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NEWS AND NOTES

Personal and Bibliographical

Dr. Franz Von Juraschek, at one time professor of public and international law at the University of Vienna, died recently. Dr Juraschek was the author of a work on *Personal - und Realunion*, and of numerous studies in the field of political economy and statistics.

Legal science has sustained a great loss in the death of Dean James Barr Ames of the Harvard Law School. Dean Ames was perhaps the greatest teacher of law yet produced in this country. His contributions to legal literature, while small in bulk, rank as masterly productions. In him the United States has lost its greatest student of legal history. Mr. Ezra Ripley Thayer has become dean of the Harvard Law School.

Prof. Allen Johnson of Bowdoin College has been appointed to a professorship of American history at Yale University. Professor Johnson's work will lie mainly in the field of constitutional history and government.

Mr. William D. Guthrie of New York City has been appointed professor of constitutional law in the Columbia University law school. Mr. Guthrie has been in active practice for many years, but is known to students of constitutional law through his *Lectures on the Fourteenth Amendment.*

The American Society for the Judicial Settlement of International Disputes was organized in Baltimore on February 6, at the residence of Theodore Marburg. Dr. James Brown Scott, solicitor of the State Department, was elected president. A recent address by Dr. Scott on *Judicial Proceedings as a Substitute for War or International Self-redress* (pp. 16) has been issued by the Maryland Peace Society.

The Albert Shaw lectures on diplomatic history at Johns Hopkins University were delivered this year by Prof. Hiram Bingham of Yale

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University. Professor Bingham's subject was: The Scots Darien Colony: An International Episode.

Prof. George Grafton Wilson of Brown University has recently been honored by election as an associate of the Institut de Droit International.

Prof. W. W. Willoughby of the Johns Hopkins University has in press a comprehensive treatise on the Constitutional Law of the United States. The work will be in two volumes and will be published by Baker, Voorhis & Co.

Prof. Clarence C. Crawford of the University of Kansas has in preparation a monograph on the writ of habeas corpus.

Prof. J. Q. Dealey of Brown University will spend the next year in Europe. His work at Brown will be conducted by Dr. W. F. Dodd of Johns Hopkins University.

Mr. Robert Argyll Campbell has been appointed legislative reference librarian of the state of California and will enter upon his new work June 1, 1910. Mr. Campbell has been a student at Cornell and at the University of Wisconsin, and has done some special work for the Wisconsin tax commission. He has been a frequent contributor to the Notes on Current Legislation published by this REVIEW.

The Illinois legislature in 1909 authorized the appointment of a special tax commission to investigate the assessment and tax system of the state and to recommend changes in the state tax system. Governor Charles S. Deneen has appointed on this commission John P. Wilson, Alfred M. Craig, Prof. David Kinley, Prof. Charles E. Merriam, B. F. Caldwell, A. P. Grant, and B. L. Winchell.

Dr. Lucius P. McGehee of New York has become dean of the law school of the University of North Carolina. Dr. McGehee is well known as the author of a book on *Due Process of Law*.

Prof. John Bassett Moore, who has been absent for two years on account of illness, will resume his work at Columbia University next fall.

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During the month of March Arthur Lionel Smith, fellow of Balliol College, Oxford, gave a course of twelve lectures at Columbia University on English Political Writers of the Seventeenth and Eighteenth Centuries.

The fourth international conference of American states will convene at Buenos Ayres on July 9. The American Delegates are: Henry White, Enoch Herbert Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar Charles Quintero, Paul S. Reinsch, and David Kinley.

The American Book Company has in press a volume by Prof. J. W. Garner of the University of Illinois entitled: *Introduction to Political Science; A Treatise on the origin, nature, functions, and organization of the state.*

Prof. Henry Jones Ford of Princeton University delivered the Blumenthal lectures at Columbia University this year, taking as his subject, the Cost of National Government. The lectures will soon appear in book form.

In the February number of this REVIEW a reference was made to Mr. James Bryce's lectures on *Hindrances to Good Citizenship* as having been published by Charles Scribner's Sons. This was an error; the lectures were published by the Yale University Press.

Prof. Andrew C. McLaughlin, of the University of Chicago, and Prof. Albert Bushnell Hart, of Harvard University, have undertaken to edit a *Cyclopaedia of American Government*, to be published by D. Appleton and Company. The *Cyclopaedia* will run to three volumes, and will include the history, organization and functions of government in the United States, including political and party history. It will also deal with the theory of government; American constitutional law; international law (so far as it affects American relations); applications of political economy, and the relations of government to social problems. The work is expected to appear in 1912.

D. Appleton and Company announce the publication of the *American Year Book, a Record of Events and Progress*; which has been planned by a conference of representatives of national learned societies, who have formed a permanent supervisory board, and have chosen as managing

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editor Mr. S. N. D. North, formerly director of the Unites States census. The first annual volume will appear early in 1911, and will contain material on a wide range of questions interesting to Americans, including history, politics, government, law and legislation, economic and social questions, science, engineering, public health, art, literature, the churches, learned societies, and various other topics.

A conference of governors was held in Washington on January 18-20, and was attended by governors of thirty states. Among the subjects discussed were the conservation of natural resources and the control of public service corporations; the discussions were concerned largely with the relative powers of the state and federal governments. A plan was adopted for the permanent organization of the conference, which provides for annual meetings, the next one of which is proposed to be held in some one of the state capitals.

The twenty-seventh annual meeting of the Lake Mohonk conference of friends of the Indian and other dependent peoples was held October 20-22, 1909, and a report of its proceedings has been published (pp. 214). The papers appearing in this report deal with the Indians, the Philippines, Porto Rico, and Hawaii; perhaps the most interesting ones are those on Porto Rico by Regis H. Post, W. F. Willoughby, and General George W. Davis.

The new *Journal of the American Institute of Criminal Law and Criminology* will be published bi-monthly, and each number will consist of about 160 pages. It will be published in Chicago, and will be the organ of the American Institute of Criminal Law and Criminology. Its purpose will be to promote a wider interest in the scientific study of questions relating to the administration of the criminal law, including the cost and prevention of crime, methods of criminal procedure, and the treatment of criminals. It will promote the introduction of such reforms in existing judicial and penal methods as experience and reason show would be desirable, to the end that a more effective, speedier, and less expensive system of criminal justice may be secured, more humane methods of dealing with criminals provided, and the causes of the present widespread popular dissatisfaction with the administration of the criminal law removed. It will endeavor to provide a medium for the expression of the best scientific thought and professional practice in this and other countries, regarding the administration of the criminal law and the treat-

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ment of offenders. It will endeavor to furnish reviews of current scientific literature, dealing with the progress of criminal jurisprudence, together with bibliographical and miscellaneous notes of interest to students of criminal law, criminology, and the allied sciences of sociology, psychology, anthropology, etc. There will be an editorial board of twelve or fifteen editors representing the fields of criminal law, criminology, sociology, political science, psychiatry and philanthropy. Prof. J. W. Garner of the University of Illinois will act as managing editor. The first number of the journal will appear in May.

The American Institute of Criminal Law and Criminology has undertaken an important task in editing the *Modern Criminal Science Series*, which will be published by Little, Brown and Company of Boston. The series will be composed of nine leading works on criminal science, which have been selected by a committee composed of William W. Smithers and Profs. Ernst Freund, Maurice Parmelee, Roscoe Pound, Robert B. Scott, and John H. Wigmore. The following volumes have been selected to constitute the series: *Criminal Psychology*, by Hans Gross; *Modern Theories of Criminology*, by Bernaldo de Quiros; *Criminal Sociology*, by Enrico Ferri; *The Individualization of Punishment*, by Raymond Saleilles; *Crime, its Causes and Remedies*, by Cesare Lombroso; *Penal Philosophy*, by Gabriel Tarde; *Criminality and Economic Conditions*, by W. A. Bonger; *Criminology*, by Raffaelle Garofalo; *Crime and its Repression*, by Gustav Aschaffenberg. These works will be translated under the supervision of the Institute, and will make available to English students and lawyers the best literature of the world within the field of criminal science. They represent the best work of German, Spanish, Italian, French, and Dutch scholars in a field which has heretofore been almost entirely neglected in this country. This series should perform an important service in bringing American lawyers to recognize the importance of scientific investigation as an aid in the administration of criminal law. The English edition of Gross's *Criminal Psychology* is announced to appear in May, and de Quiros' *Modern Theories of Criminology* will be published in the early fall. The other volumes in the series will appear more slowly.

The translation into English of some leading works on the history of Continental law is now planned by a Committee of five appointed for the purpose in August, 1909, by the Association of American Law Schools. The Committee would welcome suggestions from members of the Polit-

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ical Science Association as to (*a*) the works to be selected and (*b*) the translation. Thus far the Committee has informally agreed upon two works only, Goldschmidt's *Universalgeschichte des Handelsrechts* and Calisse's *Storia del diritto italiano*, which have been undertaken by members of the Committee. The total number of works provided for by the contract with the publishers is eight, to be distributed one each under the following heads: General histories of law; (1) Commercial law; (2) Criminal law; (3) Roman law since 1400; (4) Legal literature and schools of thought; Histories of particular national systems; (5) France, (6) Germany; (7) Italy; (8) Spain.—The main difficulty in the first group is to find works of suitable scope in moderate size. In the second group, a main obstacle is that the master treatises deal so disproportionately with public law, too much subordinating private law. The political scientist will in this perhaps see no drawback. But the legal profession are greatly in need of histories which exhibit the Continental roots of the numerous detailed principles of Anglo-American private law—principles which form the staple (nineteen-twentieths) of the law school curriculum in this country. Hence the search for such books. But public law also deserves consideration in this project. If the political scientists will coöperate, the scope could be enlarged to satisfy amply both demands. Has any one a suggestion to make? Following are the members of the Committee: Charles H. Huberich, Stanford University; Ernst Freund, University of Chicago; Ernest G. Lorenzen, George Washington University; William E. Mikell, University of Pennsylvania; John H. Wigmore, Northwestern University, *Chairman*.

G. F. Abbott's *Turkey in Transition* (London: Arnold, 1909, pp. vii, 370) is a pleasantly written and popular discussion of events in Turkey during the past three years. Mr. Abbott is somewhat pessimistic regarding the possibility of success of constitutional government in Turkey. *La Révolution Turque*, by Victor Bérard (Paris: Colin, 1909, pp. 352), discusses the Turkish reform movements before and in 1876, and the recent movement to the reëstablishment of the constitution on July 24, 1908. M. Bérard emphasizes the diplomatic aspects of the subject. *The Awakening of Turkey: A History of the Turkish Revolution*, by E. F. Knight (London: Milne, 1909, pp. x. 356), is an interesting account of the Turkish revolutionary movement to the deposition of Abdul Hamid. While most of the volume is devoted to recent occurences, Mr. Knight devotes several introductory chapters to the reform movement of 1876 and to political conditions in Turkey.

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The Colonies and Imperial Defence, by P. A. Silburn (London: Longmans, 1909, pp. vii, 360), is an interesting discussion of one of the most important problems of British imperial policy. Mr. Silburn, who is a member of the legislative assembly of Natal, strongly disapproves of independent navies for the British colonies, and of financial contributions by the colonies in aid of the imperial navy. He urges that the colonies can be of greatest help by assuming responsibility "for the adequate land defences of their coast, the absolute security of the coaling ports and harbors of refuge." He advocates the elaboration of a consistent plan of defense, in which each colony should have its part, and suggests the appointment of a royal commission to formulate such a plan.

Liberalism and the Social Problem (New York: Hodder and Stoughton, pp. xxiii, 414), is a collection of speeches delivered during the past four years by Winston Spencer Churchill. The volume contains little or nothing that is of permanent interest. Of a somewhat similar type is Sir Guilford Molesworth's *Economic and Fiscal Facts and Fallacies* (London: Longmans, 1909, pp. xii, 292). Molesworth's book is a vigorous attack upon the doctrines of free trade, and an argument for protection and colonial preference.

A new edition has been issued of Frederick Howard Wines' *Punishment and Reformation* (New York: Crowell, pp. xv, 387). This work was originally published in 1895, and great progress has been made in penal science during the past fifteen years; no change in the text is made, however, and the new edition therefore does not give a satisfactory treatment of present conditions. A new preface and several additional papers printed in an appendix do little toward bringing the book up to date.

A pamphlet on *Political Reform in Wisconsin* has been published recently by Emanuel S. Philipp, assisted by Edgar T. Wheelock (Milwaukee, pp. 253). The pamphlet is devoted to "a historical review of the subjects of primary election, taxation and railway regulation" and vigorously attacks the policies inaugurated by Mr. LaFollette. The language employed by the author would seem to indicate that the pamphlet was issued in furtherance of a movement against recent reform measures in Wisconsin.

The Bureau of Corporations issued in 1909 a report on *Taxation of Corporations. Part 1—New England* (pp. 156). This report is a careful

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and accurate summary of corporate taxation in the New England states. It will be followed by similar reports upon corporate taxation in other states.

André Tardieu's *Le Prince de Bülow* (Paris: Calmann-Lévy, 1909, pp. 373) is a study of the internal and foreign policy of Germany under the chancellorship of Bülow.

Porfirio Diaz, President of Mexico; The Master Builder of a great Commonwealth (New York: G. P. Putnam's Sons, pp. 12, 253) by José F. Godoy is, in the main, a chronological enumeration of the most important events in President Diaz's life. Almost a third of the book is given up to "opinions of prominent men regarding President Diaz as a soldier and statesman;" these opinions are undiscriminating and add little if anything to the value of the book. Señor Godoy's work is primarily a eulogy, and is worth little as a biography. To the student of Mexican political institutions and conditions it is of no value.

The Dominion of New Zealand, by Sir Arthur P. Douglas (Boston: Little, Brown and Company, 1909, pp. xix, 444), is a pretentious work which discusses every aspect of New Zealand life. The chapters devoted to the government are fragmentary and of little value; and the same statement may be made with reference to the portion of the work dealing with social and industrial questions. *New Zealand in Evolution*, by Guy H. Scholefield (London: T. Fisher Unwin, 1909, pp. xxii, 363), is a book of a much higher type, but is mainly an economic discussion.

The Division of Documents of the Library of Congress has begun to issue a *Monthly List of State Publications*, of which the first number, that of January, 1910, has appeared; a subject index to the *List* will be issued quarterly and will be cumulative throughout the year. The January number covers more than forty pages and lists the state documents in convenient form. Heretofore students of state government have found it extremely difficult to keep up with current official publications of the several states, and this monthly list should prove very useful; in publishing it the Library of Congress will render an important service to all persons interested in the affairs of our state governments.

Beginning in January, 1910, the Law Reporting Company of 67 Wall Street, New York, has furnished to those who desired the service information concerning action upon measures pending before the legislatures

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of the several states. The plan of the company has been to issue each day a complete card list of measures, one card for each bill introduced in any state legislature. For each state whose legislature is in session a sheet has then been issued daily showing each step taken upon pending measures. The Law Reporting Company is also in a position to furnish copies of bills promptly after their introduction, and those who do not desire to keep informed regarding the progress of all pending legislation may arrange to receive current reports concerning legislative action upon any special subject or subjects. The New York State Library's annual *Index of Legislation* has been almost indispensable to those who must keep informed concerning the action of state legislatures, but the *Index* necessarily appears some little time after the close of the year which it covers, and gives no reference to proposed legislation which may have failed. The work being done by the Law Reporting Company supplements that done by the New York State Library and provides the means by which the action of state legislatures may be followed from day to day during the legislative sessions.

Two publications were issued at Albany during the legislative session of 1910 which did for the state of New York what the Law Reporting Company has undertaken to do for all of the states. The *New York Legislative Record,* which was published weekly and of which each issue was cumulative, gave each week a complete record of state legislative action, indicating the bills introduced and the action taken upon them, and the individual record of each member of the legislature. This publication was edited by D. B. Johnson, and was printed by the J. B. Lyon Company of Albany. *The New York Legislative Index,* which was similar in character to the *Legislative Record,* was published by the Legislative Index Publishing Company of Albany.

The Massachusetts Bureau of Statistics issued in December, 1909, a bulletin on *Labor Injunctions in Massachussetts* (pp. 168). The bulletin is mainly a compilation of decisions rendered during the past ten years by the supreme judicial court of Massachusetts and should be of some value as showing the attitude of the Massachusetts courts toward labor disputes; dissenting opinions have been omitted.

The third and fourth volumes of the *Documentary History of American Industrial Society* (Cleveland, 1910) are devoted to a reprint of American conspiracy cases decided between the years 1806 and 1842.

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The Boston Book Company has recently published under the title of *Virginia Colonial Decisions* (2 vols., 1909) the manuscript reports made by Sir John Randolph and Edward Barradall of decisions in the general court of Virginia, 1728–1741. The reports are preceded by an elaborate historical introduction by R. T. Barton. Only a few of these cases were printed in Jefferson's Virginia Reports.

A number of monographs have been issued by the National Monetary Commission which are of interest to students of financial administration. Among these may be mentioned: *The First and Second Banks of the United States*, by Profs. J. T. Holdsworth and Davis R. Dewey; *Digest of State Banking Laws*, by S. A. Welldon; *History of the National Bank Currency*, by A. D. Noyes; *The History of Banking in Canada*, by R. M. Breckenridge; *The Swiss Banking Law*, by Dr. Julius Landmann; *The National Bank of Belgium*, by Charles A. Conant; and *Fiscal Systems of England, France, Germany, and the United States*, by J. O. Manson.

Among the new books announced for publication this spring are: *Principles of American Government*, by Charles A. Beard (Macmillan); *American Government*, by J. A. Fairlie (Macmillan); *The Political Theories of Martin Luther*, by Luther Hess Waring (Putnam); *Great Cities in America, their problems and their government*, by Delos F. Wilcox (Macmillan); *Race Distinctions in American Law*, by Gilbert T. Stephenson (Appleton); *Copyright, its history and law*, by R. R. Bowker (Houghton, Mifflin); *Democracy and the Party System*, by M. Ostrogorski (Macmillan).

A Treatise on the Federal Corporation Tax Law of 1909. By Arthur W. Machen. (Boston, Little, Brown and Company, pp. xxv, 269). The author gives a clear statement of the practical accounting problems arising upon the enforcement of the federal corporation tax. After rather doubtfully determining the tax to be one directly upon the income of corporations as such, he discusses the provisions of the act as to how the taxable income of corporations is calculated, the return, the assessment and collection of the tax. He outlines briefly the several points of objection which may be raised against the constitutionality of the act, but does not attempt to discuss fully these points. The appendices contain the text of the act, as well as the regulations and form of returns required by the Treasury Department.

Miss Elfred Everhart, reference librarian of the public library of Atlanta, Georgia, has performed a useful service in the preparation of *A Hand-*

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book of United States Documents (Minneapolis: The W. H. Wilson Company 1910, pp. 320). The volume gives a brief history of the various departments of the federal government, their subdivisions and bureaus, and a definition and description of the publications issued by each. The work is divided into three parts. The first deals with congressional documents, that is to say, those recording the proceedings of congress, as well as those the printing of which is specifically authorized by that body. The second part considers the serial and special publications of the nine executive departments; the third, the publications of the commissions and other branches of the general government not organized under one of the nine departments. The volume is excellently arranged and has an analytical index. The work will be of value to both librarians and students.

The Expansion of New England: the Spread of New England Settlements and Institutions to the Mississippi River, 1620–1865, by Lois Kimball Mathews (Boston: Houghton Mifflin, 1909, pp. xiv, 303), is an interesting study of the influence of New England, particularly in the middle west. Mrs. Kimball traces, in a careful and painstaking manner, the lines of immigration into the west from New England, and her conclusions are based upon a thorough study of the sources. To students of political science the most important chapters in the work are those upon the conflict between New England and Southern influences in Indiana and Illinois, and upon the New Englanders as state builders in Michigan and Wisconsin; in these chapters some attention is devoted to the organization of local government in the middle western states. Mrs. Kimball has in preparation a further study dealing with New England settlement beyond the Mississippi and in the south since 1865.

Aliens Under the Federal Laws of the United States, by Samuel MacClintock (Chicago: *Illinois Law Review,* 1909). This is a University of Chicago doctoral dissertation which first appeared as a series of articles in the *Illinois Law Review* for 1909. The author has gathered into a convenient form the federal legislation concerning aliens in matters of shipping, patents, trademarks, copyright, public lands, and real estate in the territories. The copyright act of March 4, 1909, is not mentioned. Little account has been taken of the influence of treaties as affecting the rights of aliens in these matters. The chapter on treaty rights of resident aliens is mainly concerned with the discussion of a few cases of expulsion, mob violence, and discriminatory legislation. The cases in

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the federal courts have been examined and collected under appropriate heads in the text, and this is perhaps the best service rendered by the work. Proper names are frequently misspelled. There is no index. On the whole, the work makes but a slight contribution to our knowledge of the legal position of aliens in the United States.

American Addresses at the Second Hague Peace Conference, delivered by Joseph H. Choate, General Horace Porter, James Brown Scott; edited with introductory notes, by James Brown Scott (Boston: Ginn and Company, 1910, pp. xlviii, 217). This collection brings within small compass some of the principal addresses delivered at the Hague Conference by three of the American delegates. An introductory note, reprinted from Scott's *Hague Peace Conferences of 1899 and 1907*, contains an address of Señor Larreta of the Argentine delegation and recounts some of the lighter incidents which marked the experiences of the delegates. Then follow public addresses delivered in the United States by each of the three delegates, recounting the nature and results of the Conference. The addresses delivered before the Conference are reprinted from the official publication of the Dutch government, *La Deuxième Conférence internationale de la Paix, Actes et Documents*. The subjects discussed include the immunity from capture of private property at sea, the limitation of force in the collection of contractual debts, various phases of arbitration, the international prize court, and topics connected with the establishment of a court of arbitral justice. An appendix contains some of the conventions and projects in the adoption of which the American delegation played a leading part.

A third edition has recently appeared of Sir Edward Hertslet's *Map of Africa by Treaty* (London: Harrison and Sons. 1909, 3 vols. and a collection of maps). The plan of the work remains the same as that of earlier editions, but a thorough revision has been made to the end of the year 1908. Now that the partition of Africa is completed, and most of the boundaries fairly well established, it is particularly appropriate that a new edition of Hertslet's collection should give us in definitive form the official documents relating to African colonization. The work constitutes an indispensable aid to the student of recent diplomatic and colonial history; the usefulness of the new edition is enhanced by the issuance with it of forty-five maps, which show in detail the present boundaries of the several African possessions.

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Volume xix (pp. 63–175) of the *Zeitschrift für Internationales Privat- und Oeffentliches Recht* contains the first part of a monograph on pacific blockade (*Die Friedensblockade*) by Dr. Falcke. In this portion of his monograph Dr. Falcke discusses somewhat fully the practice with reference to pacific blockade from 1827 to 1885. A more extensive and complete study of the same subject is Hermann Staudacher's *Die Friedensblockade* (Leipzig: Duncker und Humblot, 1909, p. 166. Staats-und voelkerrechtliche Abhandlungen). Dr. Staudacher gives an excellent historical account of the several cases of pacific blockade, and also discusses the subject in its theoretical aspects.

The January, 1910, number of the *Index to Legal Periodicals and Law Library Journal* is a cumulative number, containing an index of legal journals for 1909. This index, which is confined to journals printed in English, is a useful one, but would be of greater value were it more complete. The *Journal of the Society of Comparative Legislation, Maine Law Review, Political Science Quarterly,* and *Yale Review* are not included among the journals indexed. Little additional labor should be required to cover all legal journals published in English and also the reports of the several bar associations, and such labor would add greatly to the usefulness of the publication.

Under the title *Vers la Paix* (Rio de Janeiro: Imprensa Nacional, 1909, pp. 115), Señor Alberto Torres presents a strong plea for disarmament. He recognizes, however, that disarmament is only possible when some practical provision has been made for the settlement of international disputes. Hence Señor Torres proposes to call a conference of the representatives of all civilized nations and to confer upon it the attributes of a supra-legal tribunal which shall take cognizance not only of law and equity, but "of the aspirations of the powers founded on the interests of civilization and of human progress." In the decision of territorial questions the "topographical situation, and the political, social and commercial relations between the contested territory and the contesting nations" should be considered, as also the result of a "plebiscite of the inhabitants of the territory in dispute." The whole scheme is utopian. In the second part of his monograph the author proposes a method of selecting judges for the court of arbitral justice recently established by the second Hague Conference. But his proposal overlooks the fact that the very purpose of establishing the court was to limit the number of the judges on its panel so as to secure a permanent and traditional policy.

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The Commonwealth of Australia, by B. R. Wise (Boston: Little, Brown and Company, 1909, pp. 354). This is a work dealing with the physical characteristics, government and social legislation of Australia. About one-third of the volume is devoted to a description of the people, the natural resources, the industries, education and material progress of the country; approximately another third deals with the history and organization of the commonwealth government; and the rest is devoted to recent legislation dealing with the tariff, the race question, the labor problem, old age and invalidity pensions, industrial conditions, and national defense. The author dwells upon the results of the state experiments that have been undertaken in so many fields, the aims and achievements of the labor party, the working of the legislation in the interest of labor, compulsory arbitration of labor disputes, the finances of the commonwealth, and many other questions. His treatment of most of them, however, is rather fragmentary and superficial when compared with the studies of Harrison Moore, Edward Jenks and W. P. Reeves. As a popular description of the country and its institutions, however it is not without value. He criticises the labor party for being dominated by the "machine" outside of parliament and by the caucus within, though he defends it against the charge of being anti-capitalist in its aims. He also defends his country for its attitude on the question of colored labor and declares that the determination of Australians to rid themselves of the "taint" of colored labor is not a "selfish attempt to close the labor market against dangerous competitors" in disregard of imperial interests but a "policy of high patriotism, conceived and executed in loyalty to the empire and calculated to conserve its strength." The question, he maintains, is not economic but political and whatever may be the attitude of the Empire the Australians are resolved to preserve at all hazards the purity of their race.

A third edition has just appeared of Dareste's *Constitutions Modernes: Recueil des constitutions en vigueur dans les divers états d'Europe, d'Amérique et du monde civilisé* (Paris: Challamel, 2 vols.). The second edition of this work appeared in 1891, and an extensive revision has been made which brings it up to the end of 1909. The revision has been carefully done, and the latest constitutional literature has in most cases been inserted into the bibliographies, although a number of important books have not been referred to. Among the later constitutional documents which appear in this edition are those relating to the Belgian Congo, South Africa, Turkey and Australia; the Persian constitution of 1908

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is not given. In its new form Dareste's collection will probably remain for many years the most convenient and satisfactory reference book upon the subject with which it deals. To those unfamiliar with this collection, it should be suggested that the work does not, as implied in its title, contain the texts of all the constitutions now in force. Brief historical notes, without texts, suffice to dispose of a number of the less important Latin-American states, and a similar treatment is accorded to many of the German states and Swiss cantons. For the United States full texts are given of the federal constitution and the constitution of Pennsylvania; the other states are treated in brief historical notes, which are accurate in the main. There is no discussion whatever of the constitutions of the states of Mexico and Brazil, and of the provinces of Argentina. But no work of this character would be manageable which attempted to include all constitutional texts, and it is sufficient to say that Dareste has included practically all of the most valuable documents, and has employed to good purpose the space at his disposal. The collection is better edited and is much more useful than the similar work which was recently published in German under the editorship of Prof. Paul Posener, although Posener's volume must be resorted to for recent texts of the constitutions of the German states.

Current Municipal Affairs

WILLIAM BENNETT MUNRO

At the special session of the Illinois legislature an act was passed (approved March 9, 1910) authorizing the commission form of municipal government in cities and villages not exceeding 200,000 population. This act resembles the Iowa law, except in regard to the civil service and recall features; and includes provisions for a non-partisan direct primary, the initiative and referendum, as well as for commission government.

On petition and popular vote any city or village not exceeding 200,000 population may adopt the commission form of municipal government, with a mayor and four commissioners to be elected for a term of four years. Candidates are to be nominated by a primary election, with "no party, platform or principle designates;" and the two candidates for mayor and eight candidates for commissioners receiving the highest number of votes at the primary election shall be the only candidates whose names appear on the ballots at the municipal election.

The mayor and commissioners form the council, which shall exercise all executive and legislative powers now possessed by former city

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or village officers, except boards of local improvements and park officers. Executive and administrative power shall be distributed among five departments—public affairs, accounts and finances, public health and safety, streets and public improvements, and public property. The mayor shall be commissioner of public affairs; and each of the other commissioners shall have charge of one department, as designated by the council. The council may elect a city clerk, corporation counsel, city attorney, assistant city attorney, treasurer, comptroller, city physician, chief of police, chief of fire department, harbor master, market master, library trustees and members of boards of local improvements; and has power to create, fill and discontinue other offices and employments. Any officer or employee elected by the council may be removed by a majority vote.

The Illinois law does not contain in itself any provisions for the merit system; but recognizes the former civil service law of 1895, which will continue in effect in any city or village which has adopted or may hereafter adopt that law. In cities which have not adopted the civil service act, subordinate officers, assistants and employees shall be appointed by the commissioner of each department, and may be discharged by him.

Ordinances granting franchises to use the streets or public places for public service utilities must be approved by a majority of the electors voting thereon at a general or special municipal election. Other ordinances, except those for the immediate preservation of the public peace, health or safety and passed by a two-thirds vote of the council, are subject to a referendum vote on petition of 10 per cent of the vote cast for mayor at the previous election. Ordinances may also be proposed by petition of the electors; and such ordinances must be passed by the council or submitted to a vote of the people—at a general municipal election if the petition is signed by ten per cent of the votes for mayor, and at a special election if the petition is signed by 25 per cent of the votes cast for mayor.

The act contains a provision for the "recall" of elective officers; but this is made of practically no effect by requiring a petition signed by *75 per cent* of the vote cast for mayor at the previous election.

Other sections of the law provide that no city officer or employee shall be interested in city contracts; require the publication of a monthly statement of receipts and expenditures, and an annual examination of books and accounts by a competent accountant; and call for "equal and uniform service" from public utilities.

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The charter revision commission of Baltimore after five months of arduous work, submitted its report February 28, 1910. The proposed charter as submitted by the commission was introduced in the legislature a few days later and referred to the city delegation. Public hearings were had, the members of the commission explaining the changes proposed. A favorable report was made by the city delegation, but the charter was laid on the table in the house by a vote of 45 to 35, thereby killing it. It may be said that the commission had requested the legislature merely to submit the charter to the people of Baltimore and give its citizens a right to say whether they wanted it or not. The only form of referendum now existing in Baltimore is that on all loans, for the city has never had the right to vote on its charter.

No very radical changes were incorporated in the proposed charter, the most progressive feature being the civil-service law, but as this has been tried in so many cities for several years past, it cannot be regarded as radical. This provision, however, probably received more opposition than any other. Another change proposed was the substitution of a unicameral for a bicameral council. At present the first branch consists of 24 members and the second branch of 9. The president of the second branch, who is also vice-mayor and president of the board of estimates is the only member of the council elected at large. Under the proposed council there would be 14 councilmen, 2 of whom would be elected at large, the other 12 being elected from districts consisting of 2 wards each. This feature also encountered considerable opposition from the political leaders. There seems to be a tendency all over the country to return to the unicameral council, as is evidenced by the new charter in Boston, the one proposed for Baltimore and the one now being prepared by the board of freeholders of St. Louis.

Another feature which seems to have met with success in the larger cities was incorporated in the proposed charter. This was the substitution of single heads in place of boards. It was proposed to abolish the fire board, water board and the harbor board, as well as two commissions, the topographical survey commission and the electrical commission, and to substitute single heads, with the exception of the topographical survey commission, the duties of which were transferred to to the city engineer. The reason for the abolition of these boards was to concentrate authority and secure unity of responsibility, since the duties of these departments were essentially executive in their nature.

The civil-service provisions were based on the laws of Massachusetts, New Jersey and the proposals as submitted by the Civic League of St.

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Louis to the board of freeholders. To meet the objection so frequently brought against civil-service laws that it is impossible to get rid of inefficient employees, a provision was incorporated to the effect that the head of any department might dismiss a subordinate at any time, but must give the subordinate so removed and the civil service commission the reasons for the same.

Under the present charter, the mayor cannot remove the heads of departments (his own appointees) after six months from the time of their appointment except on charges and after trial before him. It was proposed, in view of the civil-service law, to give him the right to remove any of his appointees at any time, merely requiring him to give reasons for it upon the request of the official so removed.

Among the general powers to be conferred upon the city and which it does not at present seem to possess may be mentioned the following: To maintain reasonable facilities for public recreation, such as play and athletic grounds; to maintain public baths, although the city at present does maintain them without express power to do so; to enact legislation for the suppression of the "smoke nuisance" from railroads and other sources; to abate any or all municipal taxes on any or all kinds of personal property employed by manufacturing corporations in the city in order to encourage manufacturing industries; to authorize the issuance of serial bonds if desired; and to issue general fund bonds for the purpose of utilizing the over-accumulation in the sinking funds for the current needs of the city. It may be mentioned that the method of issuing general fund bonds has been tried successfully in New York City and the plan adopted there was incorporated in the proposed charter for Baltimore.

At present the city collector, tax bailiffs and city surveyor are paid by fees, and it was proposed to abolish this system and place all these officials on a salary basis.

It was proposed to consolidate two very important boards—the board of estimates and the board of awards—and to give certain additional powers to this board. Among these additional powers may be mentioned the power to prepare a comprehensive system for the paving of the streets instead of the present method of paving a square here and a square there. The board was also to have the power of granting electric sign privileges, the present method making it necessary to pass ordinances for every electric sign erected in the city. The commission, in its report, states that the increased powers conferred on the board of estimates and awards seem justified by the high degree of confidence in the two old

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boards and by the centralizing tendencies of recent municipal thought and experience in other communities as well as in Baltimore.

It was proposed to create two bureaus in the office of the city comptroller to be known as the bureau of accounts and the bureau of audit. These bureaus were to maintain a system of accounting and audit which would enable the comptroller to keep up an effective supervision and control over all the accounts of the city. Elaborate regulations are prescribed as to the manner in which the controlling accounts in his office are to be kept. Provision was also made requiring all municipal officials to submit annual and monthly budgets and monthly reports to the mayor, showing how they had expended the funds appropriated for the use of their departments and what results they had achieved.

Several other changes were proposed, but these are not of general interest to other cities, since they related almost entirely to local conditions. The commission expressed the belief that the changes proposed would tend to secure greater efficiency and economy in the administration of the city's affairs. There was submitted with the proposed charter a very illuminating report, pointing out the proposed changes.

Following close upon the heels of the conference of governors at Washington, and presenting on a smaller scale many of the characteristics of that gathering, came the conference of the mayors of New Jersey recently held at the capital of that state. This is one of the first, if not the first, state-wide conference of mayors yet assembled for the purpose of effecting a permanent organization to promote the interests of municipalities. At the first meeting, presided over by Governor Fort, upon whose suggestion the conference was called, the most important topics discussed had reference to state legislation as to the following matters: (1) Municipal tax rate and debt limit; (2) Municipal boards, or departments with a single head; (3) A state department of municipal accounting; (4) The appointment by the mayor or other city authority rather than the election of city officials, not necessarily elective; (5) Shorter ballot for municipal elections; (6) Repeal or modification of the Bishops excise law.

Although in regard to the first and third of these subjects, the conference had the advantage of recommendations made by the state municipal commission in its report to the legislature in 1908, little progress was made in formulating a definite program in regard to any of them. Too much, however, should not be expected at the present inchoate stage of the organization.

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On June 21, 1909, the Chicago City Council passed an ordinance, introduced by Prof. C. E. Merriam, Alderman of the 7th Ward, creating a Commission to inquire into the expenditures of the City of Chicago, and to report to the Mayor and Council. In October, 1909, the Commission, of which Professor Merriam was made Chairman, began its work, which was at once delimited, as an investigation of budget methods, city contracts and payrolls. Budgetary reform was, with the assistance of an expert accountant borrowed from the New York Bureau of Municipal Research, immediately instituted, and the subsequent 1910 appropriation ordinance marked a long step in the direction of a scientific classified budget, based on carefully itemized departmental estimates.

Through expert investigations and public hearings, the Commission has for the past six months been delving into City contracts and payrolls. Following these probings, the Commission has pointed out in reports to the Council, laxity, inefficiency, and dishonesty in the expenditures of the City funds by employes working under imperfect administrative systems, has criticized unfit officials and has recommended the elimination of antiquated methods of doing city business.

The first report of this sort was on the purchase of lumber under contract in the Department of Public Works. Specifications were shown to be out-of-date, and often unenforced; carelessness in the purchase and acceptance of lumber was clearly indicated; responsibility for these faults was in part fixed; and a better method of making future purchases recommended. The Commission next revealed the fact that, largely through the dishonesty of certain officials working in collusion with corrupt contractors, some forty-five thousand dollars had been paid as extra compensation on a sewer contract for the alleged excavation of fictitious shale rock. An investigation of the Bureau of Sewers showed that 46 per cent of the time of laborers employed was wasted through lack of proper supervision, and that political influence played a prominent part in the hiring of teams.

In the Clerk's office, the lack of energetic attempt to obtain lowest possible prices for printed contracts was severely criticized, and the abolition of a system of diverting notarial fees from the city treasury into the pockets of a private notary was recommended.

The Commission has also investigated the purchase of coal in the Department of Public Works, and has reported to the Council that the specifications employed were "not well designed to promote and protect the city's interests in the expenditures for coal for the water pump-

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ing stations," and that "coal has been bought from a small circle of dealers on imperfect specifications at rather high prices." Accompanying this criticism, the Commission has transmitted recommendations for more carefully drawn specifications.

An investigation of the Business Agent's Office has been completed, but no final report has as yet been made, while investigations of the House of Correction, Bureau of Streets, Water Bureau, Department of Electricity, Building Department, Fire Department and the collection of Special Assessments are still in progress.

At the local spring elections in the middle west, the local prohibition of the liquor traffic constituted the most important issue of general interest. In Michigan, twenty of thirty-six counties voting on this question went in favor of no license, the remainder including two counties which had previously voted against license. This shows a considerable extension of prohibition territory in the rural districts; and forty of the eighty-three counties now have local prohibition. In Illinois, the elections showed some reaction from the anti-saloon movement. Rockford, Decatur, Matoon, and a number of other cities and towns returned to the license policy, which is also continued in the larger cities. On the other hand many cities (including Galesburg and Champaign) reaffirmed the no license policy; and a number of smaller cities and towns voted prohibition for the first time. In Wisconsin most cities and towns voted in favor of license.

In Chicago, the April municipal election for aldermen was of more than usual importance, on account of the coming redistricting of the city into wards on the basis of the new census, and apparent efforts to break down the non-partisan organization of council committees. The result was a distinct gain for the good government forces, represented by the Municipal Voters' League; and while from the party point of view the democrats will be in the majority, the continuance of the non-partisan organization of the council seems assured.

A strong effort was made to have the question of prohibiting the liquor traffic in Chicago submitted under the local option law. Petitions were presented containing the required number of names; but a sufficient number were shown not to be registered voters to bring the number of qualified signatures below that required by the law.

Milwaukee has elected Emil Seidel, a social democrat, as mayor, in a three-cornered contest. The social democrats will also control the coun-

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cil, having elected all the aldermen at large, and carrying fourteen of the twenty-three wards. The result is a defeat for the policy and political organization of David A. Rose, the former democratic mayor. The social democrats were less radical than in previous contests, and were supported by many independents and LaFollette republicans. The regular republican candidate for mayor was little known, and was third in the list of candidates.

Eau Claire, Wisconsin, elected its first officials for the new commission form of government on April 5. The result was a victory for the friends of the commission system over candidates who had been prominent politicians under the old system.

In many other Wisconsin cities, the local elections were conducted without reference to the national party organizations, owing to a provision in the primary law under which nominees could be placed in the party column only when they received at the primary 20 per cent of the party vote at the last general election.

City elections were held in Iowa on March 28. Particular interest was centered in the cities under the commission form of government. In Des Moines, three of the former commissioners were reëlected, while the mayor and one commissioner were replaced by new men.

In Cedar Rapids, Mayor Miles was reëlected without opposition; and a majority of the council appear to be satisfactory business men. Sioux City and Burlington elected their first officials under the new form of government. In Sioux City, A. A. Smith, who has been city clerk for six years was elected mayor; but several other former officials were defeated.

The independent vote in Kansas City, Missouri, has elected a republican mayor (Darius A. Brown) and council, thus repudiating the reactionary policy of the preceding administration and confirming the referendum vote on the proposed extension of the street railway franchises, which was defeated last December.

The Boston-1915 Movement has begun preparations for the holding, in 1915, of a great exposition of municipal progress. It is not contemplated that this shall be a "world's fair" of any sort, but something that will bring together tangible evidence of the progress which American

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cities have made during recent years in every department of urban life. It will exhibit evidence of the best things that the cities have developed both by public spirit and by private philanthropy. The multitude of civic agencies at work in philanthropic, social, educational, religious and other lines are to be set before the citizens in as attractive a form as possible.

In connection with the work of this movement the authorities of Boston-1915 have arranged to issue a monthly publication entitled *New Boston: A Chronicle of Progress in a Greater and a Finer City.* The periodical is intended to be an organ for giving publicity to all forms of local civic effort. Mr. Lewis E. Palmer, formerly of *The Survey,* has been appointed editor.

A proposal for a new charter for Cambridge is now before the Massachusetts legislature. The document contains provision for a commission type of city government together with such other features as nomination by petition, the elimination of party designations from the ballot, the initiative, the referendum, the recall, and preferential voting.

The Illinois Mayors' Association will hold its next meeting at Cairo, May 18 and 19. Prof. J. W. Garner of the University of Illinois is statistician of this Association.

A municipal reference bureau has been organized at the University of Illinois, in connection with the department of political science at that institution. A considerable collection of official documents and other publications from American and foreign cities has been secured; and in answer to inquiries from city officials and others reports have been made on such questions as the commission form of municipal government, garbage disposal, and sources of municipal revenue.

The demand for charter reform has influenced the three metropolitan cities of Missouri. Kansas City in 1908 adopted a revised charter which had been drafted by a board of freeholders. The last state legislature adopted a charter for cities of the first class which had been prepared by citizens of St. Joseph, the only city falling under this class. This charter, which was adopted by the voters of St. Joseph in September, 1909, approaches the commission plan by providing for a council of five members elected at large.

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The board of freeholders, selected nearly a year ago to revise the charter of St. Louis, has been moving very deliberately in its work. A number of public hearings have been held. The revised charter will probably be submitted to the voters at the fall election. It is believed that a single chamber constituted upon the principle of ward representation will be substituted for the present bicameral system in the municipal assembly.

The question of home rule for St. Louis in the matter of police administration has been agitated for a number of years. As the state legislature failed to pass such a measure Governor Hadley has recommended the use of the recently adopted plan of initiative. At his suggestion, a joint Committee of the Civic League of St. Louis and of the Board of Freeholders will draft a bill for this purpose which will be submitted to the voters of the State at the November election.

A Committee appointed by the Mayor of St. Louis to consider the advisability of the adoption of a permanent city plan has recommended that the Municipal Assembly provide for a City Plan Commission to consist of the President of the Board of Public Improvements and the Street and Park Commissioners, *ex officio*, and of twenty-one members to be appointed by the Mayor. An appropriation of $25,000 to defray the expenses of the experts, etc., is recommended.

A recent St. Louis ordinance provides for taking the city hospital out of the jurisdiction of the Health Commissioner and places it under the control of a Hospital Board to be appointed by the Mayor who is *ex officio* a member of such board.

The Missouri Municipal League is actively promoting a movement to reform the tax system of the State by separating the sources of state and local revenue and abandoning the general property tax for state purposes. At a recent tax conference, called by the league, a committee of five, of which Hon. F. N. Judson of St. Louis and Prof. Isidor Loeb of the University of Missouri are members, was appointed to draft a constitutional amendment, for the purpose, to be submitted by initiative petition.

Denver has recently opened its new municipal theater. The building has seating accommodation for 12,000 and arrangements have been made to secure the highest grade of attractions at popular prices.

Two years ago the city of Haverhill, Mass., adopted the commission system of municipal government. The results have been highly satis-

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factory and arrangements are now being made to take over the gas and electric services, which have been in private hands, and to have these operated in future by the commission as municipal enterprises.

Indianapolis, following the example of Baltimore and other cities, has decided to establish a municipal reference bureau.

The board of education of Kansas City has issued (October, 1909) a supplement to its useful *Bibliography of Municipal Betterment*, published during the preceding year.

The headquarters of the American Civic Association has been removed from Harrisburg, Pa., to Washington, D. C., where they are now located at the corner of Fifteenth and H Streets. The permanent secretary of the Association is Mr. R. B. Watrous.

The Second National Conference on city planning and the problems of congestion will be held at Rochester, N. Y., on Monday, Tuesday, and Wednesday, May 2 to 4, 1910. The conference is to be the guest of the Rochester chamber of commerce and the civic improvement committee. Among the topics placed upon the program for discussion are the causes and prevention of congestion of population, the circulation of passengers and freight in its relation to the city plan, and some legal and administrative problems affecting the city plan. An exhibit on city planning has been arranged for the same dates at the rooms of the chamber of commerce.

A call has been issued for a meeting of municipal officers of the cities of Kansas to be held at Wichita on May 18 to consider the formation of a league of Kansas municipalities. Prof. Frank G. Bates is the secretary of the temporary organization.

The recently organized extension division of the University of Kansas has established a bureau of municipal reference, the services of which will be placed at the disposal of the cities and people of the state. The bureau has in press a bulletin on commission government.

Under the local option law the following cities have adopted the commission plan of government: Leavenworth, Wichita, Hutchinson, Anthony, Independence, Coffeyville, Topeka, Kansas City, Parsons, Abi-

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lene, Iola, El Dorado, Neodesha, Marion, Wellington, Girard, Newton, and Emporia.

A number of Kansas cities held their first elections for officials under the commission form of government on April 5. Party lines were abandoned. In Kansas City, Kansas, the former mayor, whose administration had been improving conditions, was defeated; but the new mayor (J. E. Porter) and the other commissioners seems to be men likely to continue the betterment of municipal affairs. In Topeka, however, the result was the election of candidates favoring a "liberal" policy, against the former mayor, who favored a strict enforcement of the prohibitory law.

The editors and publishers of the *Schriften des Vereins für Sozialpolitik* have undertaken to issue a series of volumes dealing with the progress and results of municipal undertakings in the cities of various countries. Volumes dealing with municipal services in Austria, Italy, Switzerland, Belgium and Australia have already appeared. While the work is not being done in any exhaustive fashion the volumes will be of considerable service to all students of comparative municipal administration and may be profitably used in piloting the way to a more detailed study of the subject.

A notable and welcome work which will later receive more special notice, is D. F. Wilcox's *Municipal Franchises* (Rochester, N. Y.; The Gervaise Press, 1910), which is to comprise two substantial volumes. The first volume has already been issued, and it is expected that its companion will follow during the autumn of the present year. When the work is completed it will undoubtedly prove of high value not only to students of municipal administration but to those interested in the problems of public service companies. The same author announces, through the Macmillan Company, the forthcoming publication of a small volume entitled *Great Cities in America* which will contain a number of chapters describing individually the structure and functions of government in eight or ten of the largest American cities.

The City Improvement League of Montreal has issued a report of its first civic convention, under the title, *For a Better Montreal* (pp. 55). The report contains discussions of the problems of child life, the water problem, the housing problem, city planning, and municipal governmental organization; reference has already been made in this REVIEW (vol. iii,

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p. 586) to the new charter which was adopted by Montreal last year; in the discussion before the City Improvement League regarding the Montreal board of control, one of the speakers referred somewhat at length to experience in the United States with the commission system of city government.

Dr. S. Adolphus Knopp of New York has published a forty-page booklet, entitled *What May be Done to Improve the Hygiene of the City Dweller* (New York: William Wood and Company, 1910).

The *Proceedings* of the fifteenth annual meeting of the National Municipal League have been issued (pp. vi, 489). The volume contains papers upon immigration, municipal police, contracts, municipal budgets, the initiative, referendum and recall, and a number of other subjects. Of especial value are the following papers: American Municipal Situation, a review of progress during the year, by Clinton Rogers Woodruff; The Home Rule Law for Cities in Michigan, by Guy A. Miller; The Payne Law in Ohio, by John R. Schindel; Municipal Budgets and Expenditures, by Dr. L. G. Powers; Operation of the Initiative and Referendum in Oregon; by Joseph N. Teal; Operation of the Recall in Los Angeles, by Fielding J. Stilson; The Vote on Boston's Referenda for One Hundred Years, by Dr. Edward N. Hartwell; and the Cleveland Street Railway Situation, by Warren S. Hayden.

Of special interest also is the report by Prof. James J. Sheppard as chairman of the league's committee on instruction in municipal government in elementary and high school; this report was made the basis of an interesting discussion, which is reported in the *Proceedings*.

The Book of American Municipalities for 1909 (Chicago: Municipal Information Bureau, pp. 128) is the annual handbook issued by the League of American Municipalities. The volume contains in convenient form information about the government of the eighty-three American cities which belong to the league. As a reference book its value is greatly impaired by the fact that it deals only with cities that are members of the league and does not contain any information about many of the most important municipalities.

The Bureau of Statistics of Massachusetts has recently issued a *Bulletin on the Uniform Classification of Municipal Receipts and Payments* (Boston: The State Printers, 1910, pp. 64). This bulletin outlines the

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system of classification prescribed for the cities and towns of Massachusetts.

The special commission appointed by the city government of Boston last year to investigate problems connected with the collection and disposal of refuse in that city has just made its report in printed form. The report contains much interesting data concerning the methods of collection and disposal employed in various cities of the United States and abroad, and the commission recommends that Boston should gradually abandon its present system in favor of incineration. The report favors the installation of incinerators of the English "Destructor" type, operated by forced draft at a temperature of not less than 1500° F.

Under the title *Taking Municipal Contracts out of Politics*, Mr. Richard H. Dana of the National Civil Service Reform League discusses, in a recently issued pamphlet, the possibility of selecting high-grade experts for the city's service.

The Census Report on *Statistics of Cities* of over 30,000 population, for 1907, shows in detail the financial transactions of the municipal governments, with a discussion of accounting terminology, and also data on the equipment and personnel of administrative departments and on sewers, streets, and other public improvements. There is included a special discussion on the organization and methods of police departments, by Richard Sylvester, superintendent of the police force of the District of Columbia, and also a discussion of the economic and sanitary supervision of city milk supplies, by Dr. Moses N. Baker, associate editor of the *Engineering News*. An appendix contains a suggested uniform system of accounting for water supply systems.

Cleveland's Street Railway Settlement

T. L. SIDLO

With the failure of the Schmidt grant at the referendum held in August, 1909, the street railway situation in Cleveland reached an *impasse*. The grant was the last card of the Johnson administration in its fight for an out-and-out low fare. It provided for flat three-cent fare, universal transfers, and indeterminateness of tenure—all on the basis of the numerous restrictive and definitive provisions which Mayor Johnson and his able legal adviser, Mr. Newton D. Baker had, after eight years' fruitful

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experience, deemed it essential to incorporate into a street railway franchise. The people voted it down by a narrow margin, many being skeptical of Mr. Schmidt's ability to carry out his contract, and others disliking the technical character of the ordinance, which depended upon an "extension" grant to give it working effect.

The grant had been designed as a club to bring the Cleveland Railway Company, the object of the Johnson administration's fight, to its knees with as good an offer, in order to prevent giving up its property. The defeat of the measure, consequently, left the city in an unstrategic position. Public opinion, however, forced both contestants to enter into peace negotiations. Meetings were accordingly held between the city council and the president of the company. But the council resumed its old-time rigid adherence to principle and the company its old-time arrogance, and negotiations seemed to lean farther and farther away from a settlement.

Several days before the November election, however, the situation was suddenly clarified by the announcement of concessions on both sides. It was agreed to leave the determination of certain undecided differences and the drafting of an ordinance effecting a complete settlement to Federal Judge Robert E. Tayler, and each party bound itself to accept and ratify his awards and ordinance. Mayor Johnson reserved the privilege to criticise the ordinance if he were not satisfied with it, and to institute a referendum to get an expression of the people's will upon it before it went into effect.

On November 2, Mayor Johnson was defeated for a fifth term. In the middle of December Judge Tayler reported on the matters left to his judgment by tendering the Tayler ordinance. On December 18, it was accepted by the company and passed by the council. If no opposition to the ordinance arose within thirty days, the ordinance would go into effect thereafter, according to law. Late in December, however, referendum petitions were circulated by Mr. Johnson and the *Cleveland Press* and the required signatures obtained. The republican party organization circulated similar petitions, which were given official recognition. A referendum was fixed for February 18. No campaign was made either for or against the grant, beyond a limited number of newspaper arguments, and probably not one voter in a hundred understood its chief provisions. The ordinance, however, passed by the large majority of eight thousand votes.

Commissioner Milo R. Maltbie, of New York City, discussing the relative advantages of certain forms of franchise grants from the stand-

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point of the public, points out that franchises providing for governmental supervision of rates and operation have frequently armed the public interest with "an effective weapon;" that a short term franchise, with provisions for reversion to the city at the expiration of the grant, has proved the next best thing; and that an indeterminate franchise, "or tenure during good behavior," is the most advanced and scientific form of franchise grant known.[1] From the terms of the new street railway ordinance, the people of Cleveland have obtained, on paper at least, a combination of all three advantages. The franchise as will appear, is indeterminate in a very large sense; it is short in duration in that its maximum limit is 24 years, the more probable limit being 15; while governmental supervision is provided for in ample manner. An honest city administration, therefore, will have the rare opportunity of giving actual effect to advantages which students have not dared to hope any one city might possess fully in any one franchise grant. If the ordinance fails to excel in its working-out, the fault will inevitably lie in lack of enforcement.

Nothing more has been attempted here than to give the readers of the REVIEW a digest which shall be of practical value, of the chief provisions of the Tayler ordinance. It is too early to do anything more, for the ordinance has only been in effect since March 1, 1910.[2]

Tenure: The Cleveland Railway Company is given a renewal on all its lines until May 1, 1934. The city reserves the right to purchase and take over the entire system, when it has the legal power to do so, upon six months' notice. It reserves the further right, after January 1, 1918, to designate a purchaser of the company's property who will agree to accept a smaller return on the capital stock by at least a quarter of one per cent. The company may cover or underbid the prospective purchaser's rate, whereupon its rate will go into automatic effect and it will retain possession of its property.

B. Service: The city reserves to itself the entire control of the service, subject to the final judgment of arbitrators in case of dispute. The

[1] Annual Report for the Year Ending Dec. 31, 1908, of the Public Service Commission of New York, for the First District, vol. I, pp. 177 et seq.

[2] Mayor Johnson says "there are four vital defects in the street railway settlement:

The first is, the maximum fare is too high.

The second is, the valuation is too high.

The third is, the city's control by arbitration is too weak.

The fourth is, a friendly council can relieve the company of all the people's safeguards without a referendum vote."

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arbitrators' direction or award is made immediately obligatory upon the company on pain of having its dividends cut as much as 1 per cent until the decree is obeyed. Pay-enter cars are to be installed within five months to the number of at least 450, and completely at the end of eighteen months, with the exception of 100 trailers.

C. Fare: "The maximum rate of fare . . . . shall be four cents (4c.) cash fare, seven (7) tickets for twenty-five cents (25c.), one cent (1c.)transfer, no rebates; and, including said maximum rate the following schedule or scale of fares is hereby established:

(*a*) Four cents (4c.) cash fare, seven (7) tickets for twenty-five cents (25c.), one cent (1c.) transfer, no rebate.

(*b*) Four cents (4c.) cash fare, seven (7) tickets for twenty-five cents (25c.), one cent (1c.) transfer, one cent (1c.) rebate.

(*c*) Four cents (4c.) cash fare, three (3) tickets for ten cents (10c.), one cent (1c.) transfer, no rebate.

(*d*) Four cents (4c.) cash fare, three (3) tickets for ten cents (10c.), one cent (1c.) transfer, one cent (1c.) rebate.

(*e*) Three cents (3c.) cash fare, one cent (1c.) transfer, no rebate.

(*f*) Three cents (3c.) cash fare, one cent (1c.) transfer, one cent (1c.) rebate.

(*g*) Three cents (3c.) cash fare, two (2) tickets for five cents (5c.), one cent (1c.) transfer, no rebate.

(*h*) Three cents (3c.) cash fare, two (2) tickets for five cents (5c.), one cent (1c.) transfer, one cent (1c.) rebate.

(*i*) Two cents (2c.) cash fare, one cent (1c.) transfer, no rebate.

(*j*) Two cents (2c.) cash fare, one cent (1c.) transfer, one cent (1c.) rebate."

Rate (*e*) goes into effect with the beginning of the grant and remains in force for eight months. Five hundred thousand dollars having been previously placed in the "interest fund," if at the end of eight months, the fund is less than $500,000, the company is to install the next higher rate; and if this will not restore the balance, then the company may install any rate not higher than the maximum. In the event of the city's unwillingness to agree to the company's action, the difference is to be left to arbitration and the award of the board to remain binding for at least six months.

"Whenever the amount credited to the interest fund, less the accrued payments to be made therefrom, shall be less than five hundred thousand dollars ($500,000) by the amount of two hundred thousand dollars ($200,000), this shall be prima facie evidence of the necessity of raising the rate of fare to the next higher rate on the scale. . . .

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"Whenever the balance in the interest fund, less proportionate accrued payments to be made therefrom, shall be more than five hundred thousand dollars ($500,000) by the amount of two hundred thousand dollars ($200,000), it shall be prima facie evidence of the necessity of lowering the rate of fare to the next lower rate on the scale. . . . "

D. Publicity: "At all times. . . . the company shall keep in its office open to inspection at all reasonable times, full, true and accurate accounts of all moneys expended and liabilities incurred in connection with said business, and the maintenance and operation of said property, and also complete statistical accounts of its business and operations, which accounts shall be kept in the manner prescribed by the American Street and Interurban Railway Accountants' Association, or as may be provided for by law, and the said company shall make and furnish to the city street railroad commissioner monthly reports of its car-mileage, and earnings, and such other statements and reports as the said commissioner may from time to time direct; and said commissioner shall at all times have access to, and full authority to inspect, examine, audit and verify, all accounts, vouchers, documents, books and property of the company relating to the receipt and expenditure of money, and the business done by the company in the operation of its railway."

E. City Street Railroad Commissioner: The mayor of the city is empowered with the approval of the city council, to appoint a street railroad commissioner; and may remove him without showing cause. The commissioner is made the technical adviser of the council and is required to keep informed on every phase of the company's business. He may employ at the company's expense (such expense being subject to the approval of the city council) the necessary "assistants, accountants, engineers, clerks and other employees. . . . to inspect and audit all receipts, disbursements, vouchers, prices, payrolls, time-cards, papers, books, documents and property of the company. . . ." Whenever extensions, etc., are proposed, "he shall have the right to employ such assistance as he shall deem necessary for the purpose of checking material, labor or other costs, etc." The company is required to furnish office room for the commissioner at its general offices, furniture, stationery and supplies. The commissioner is to receive a salary not exceeding $1000 per month, fixed from time to time by the councils, and payable by the company.

F. Boards of Arbitration: Differences between the company and the city are to be settled by boards of arbitration consisting of personally

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appointed representatives of each of the parties and a third member appointed by the federal judge having jurisdiction over the city of Cleveland. Or in the event of the disqualification of the latter, or his refusal to act, the judge of the United States circuit court of the district in which Cleveland is situated is to appoint the third arbitrator.

G. Valuation: 1. For the purpose of fixing a basis for the rate of fare, the return to the company, and the price at which the property of the company may be purchased, the capital value of the system is defined in detail under three heads: (*a*) *bonded indebtedness—$8,128,000*; (*b*) *floating indebtedness—$1,288,000*; (*c*) *"residue"—$14,675,600*. Total $24,091,600.

The *interest fund* is defined as including all earnings from every source, above operating expenses, maintenance and depreciation and renewal allowance.

"The company may, without the consent of the city, issue and sell its capital stock, or increase its bonded or floating debt; but no increase in capital stock or bonded or floating indebtedness by the company shall be considered a part of the capital value. . . . unless made pursuant to provisions of this ordinance, or with the consent of the city."

2. In the event of the city's purchase of the property, the price paid "shall be its value for street-railroad purposes, and shall be obtained as follows: The cost of reproduction shall be estimated, and from this shall be deducted a reasonable amount for depreciation. All the physical property, of every nature, within the then city limits, used in the operation of the railorad, shall be included in the valuation. Separate itemized schedules, with values, shall be made under the following titles:

1. Land. 2. Power plant, including land, buildings and machinery. 3. All other buildings. 4. Tracks, including poles, wires and appurtenances, and also including pavement to the extent paid for by the company and included in capital value subsequent to the passage of the ordinance. 5. Rolling stock. 6. Miscellaneous.

To the total valuation of the above items. . . . 10 per cent shall be added. But in arriving at such valuation no franchises or privileges granted by the city shall be estimated or paid for, nor shall any payment be made for the amount in the interest fund, which shall then become the property of the city of Cleveland." The appraisal of the property is left to arbitrators.

H. Purchase of Property at Expiration of Franchise: "If, at the expiration of this franchise, no extension or renewal thereof is granted by the city, and the city does not then purchase the property, any person

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or persons to whom a franchise may be granted to operate a railroad over the then existing lines, or any of them, or any part of them, shall have the right, and be under obligation, to purchase said railroad, or such portion thereof, from its then owner, upon the terms herein provided for purchase by the city. . . . "

I. Reduction of Capital Value: Whenever the unexpired term of the company's franchise is less than fifteen years, the company may elect to charge the maximum rate of fare and to assume control of the schedule of operation, subject to the general control remaining in the city from its police power, under the following conditions: ". . . . Whenever the amount credited to the interest fund, less the proportionate accrued payments to be made therefrom, shall be more than $500,000 by the amount of $200,000 the excess above $500,000 shall be by the company applied to a reduction of the capital value. . . as follows: First, by the payment of any then outstanding floating indebtedness of the company; second, by the payment of any bonds then outstanding of the company which can at such time. . . . be paid; third, by creating a sinking fund to assist in securing a reduction of capital value. . . .; and after the payment of any such floating indebtedness, the capital value. . . . shall be reduced by the amount so paid, and there shall be no payments made thereon out of the interest fund." The city, or in the event of its naming a purchaser, the licensee, shall be given the benefit of this reduced valuation in fixing the selling price. The city may renew the company's grant at any time, and if the company refused to accept the renewal the rights and obligations of the above-quoted section become inoperative.

J. The "Invalidity" Clauses: If the provisions of the ordinance respecting rates of fare should ever be adjudged invalid, the city council shall have the power to fix such rates, but must not endanger the $500,000 reserve in the interest fund or impair the ability of the company to meet its fixed obligations.

If the provisions respecting arbitration should be adjudged invalid, the council shall assume the functions of the board of arbitration.

If the provisions respecting the street railroad commissioner should ever be adjudged invalid, the company may designate the city auditor or any other officer or employee of the city to perform the same function.

If the city, having obtained the legal authority to do so, should ever decide to purchase, or if it should ever nominate a licensee, and the company should refuse to sell, such refusal shall work a forfeiture of the grant.

K. Miscellaneous Provisions: The company alone may propose extensions, betterments or permanent improvements.

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The company is required to use all "reasonable protective measures" under the direction of the commissioner to provide for the collection of all fares.

"The salaries of persons employed by the company and receiving compensation at the rate of $1,500 per annum or more shall not be in excess of those paid for similar work by other properties of the same relative size."

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BOOK REVIEWS

L'Europe et la Politique Britannique (1882–1909). By ERNEST LÉMONON. (Paris: Félix Alcan, éditeur, 1910. Pp. 555.)

This latest work of M. Ernest Lémonon is an elaborate political document. It is carefully planned, and well executed, and has a special value in that it treats of European diplomacy since the Franco-Prussian war, and of the causes that led to the present crisis.

The considerations which underlie the diplomatic policy of the powers today are economic. The contests between nations are for increased commercial opportunity and for a larger share in the market of the world. In the opinion of present-day statesmen, the wars of the future will not be waged for national glory, or for conquest for the sake of conquest, but to protect or to increase national prosperity.

In the United States we are greatly concerned, on very practical ground, over the question of a possible war between England and Germany. A war between France and Germany, which has seemed possible if not probable at times, would have no such effect upon American trade and international finance as one between the United Kingdom and Germany.

It is important that the European situation should be more clearly understood in this country. The question of the hour in Europe is, for us, no longer of merely academic interest but has become of prime economic importance. The questions of the markets of the world effect us as directly as they do England and Germany or France.

M. Lémonon is a student of politics and diplomacy and a writer of eminent rank on these subjects. He is the author of several important works and a regular contributor to the *Questions Diplomatiques et Coloniales*, and to various other publications of similar character. We can have no quarrel with him because, as a Frenchman, he writes from a French point of view, and in the interests of the foreign policy of France.

His book is frankly written in the interests of the éntente cordiale and out of a desire to see, from this éntente cordiale, a closer union develop which shall make the position of France stronger than it is as yet. His assertion that before the éntente cordiale can, with profit to France,

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change to a formal alliance, the British army must be put on a footing sufficiently strong substantially to assist France on French soil, in case of an invasion by Germany or by Germany and Austria, has the endorsement of good British authority.

In discussing the strength of the navies and armies of England and of France, and their relative values under conditions of war with a third power, he is not always logical, but this does not, necessarily, effect the correctness of his conclusions; which are those held generally by the foremost French statesmen. The historic antipathy between France and England is seen at times, mingled with some distrust as to the future. But there is frank and generous recognition of the loyalty of the cabinet of St. James in the recent French complications.

The argument of the book is clearly developed. Foreign expansion, which had been the chief factor in keeping British policy hostile to France and to Russia, reached a point when a halt could be called and an amicable understanding arranged. Fashoda marked the culmination of the struggle between France and England. On the other hand, the friendship, long existing between Germany and England, received many checks after the accession of the present kaiser.

The increase in population and the extraordinary material development of Germany forced upon that country the necessity of foreign expansion, and led to increasing opposition to England in that field. As a result of these conditions the navy, which Germany had built to protect her growing commerce, has been increased to an extent that makes it a menace to sober-minded Englishmen. What more natural than that France and England should unite to check a power now equally dangerous to both. The two partners, in the éntente cordiale, were driven rather than drawn together.

Lémonon has reviewed and analyzed the diplomacy of the great European powers, in all parts of the world, with special reference to the period from 1882 to and including the early months of 1909. He has cited, in great detail, the treaties and other official acts which recorded or clearly defined the trend of diplomacy, and he has enumerated many minor occurrences, official and unofficial, which, more or less accurately, indicated the course of events.

While the book deals, primarily, with foreign policy, some attention has been paid to the economic conditions and needs of the various powers, without a knowledge of which the foreign policy could not be understood or explained. Possibly more consideration might have been given to these conditions without unduly extending the work.

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Aside from its value as a political document it is a convenient book of reference. His authorities have been carefully cited, and his cross-references are complete. The large amount of material is so well arranged that the reader may easily refer to political events in any part of the world for any period comprised withing the scope of the book.

GEORGE FREDERICK ANDREWS.

Jahrbuch des Oeffentlichen Rechts. Band III, 1909. (Tübingen: Verlag von J. C. B. MOHR (Paul Siebeck), 1909. Pp. 646).

Two-thirds of the latest issue of the *Jahrbuch*, or more than four hundred pages, are devoted to contributions by various writers on divergent subjects falling within the general domain of public law. The leading position is given to an article by Prof. Julius Hatschek, formerly of Heidelberg and Posen, more recently of Friedenau, on conventional rules, or the Scientific Construction of Ideas in Public Law. In a laborious treatment of the subject, Professor Hatschek endeavors to trace (1) the foundation of what we term "conventions" in public law, (2) the forms which these rules assume, (3) their characteristic features and their relation to legal norms, and (4) the limits imposed upon the scientific shaping of ideas in public law.

In an interesting paper on the maintenance of the public schools (*Volksschulen*) and the school corporations (*Schulverbände*) in Prussia, Professor Loening traces the history of legal status of the public schools in Prussia from the eighteenth century down to the law of July 28, 1906, with its subsequent supplementary instructions, of February 25, July 2 and November 6, 1907, and of March 14, 1908, by which the unhappy situations and the injustices of the earlier legislation were removed. Professor Loening takes up the subject of the *Schulverbände*, which are corporations in public law, and discusses their organization. He then proceeds to discuss the erection and equipment of the public schools in general, the confessional and undenominational schools, the salaries of teachers, their retirement and the legal provision for the widows and orphans of instructors in the public schools. The paper closes with a section treating of the defraying of school expenses and another dealing with the administration of the school corporations and of the public schools.

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Professor Bartholdy, of Würzburg, gives us, in the third contribution, a discussion of the reform of the upper house, or a study in the history and psychology of a political movement in the 20th century. As one would at once suspect, this is a study of the situation precipitated in England by the revolt of the house of commons against the power assumed recently by the house of lords. The writer would seem to favor the adoption of some such measure as that proposed by Lord Roseberry's select committee as a most happy solution of the difficulty between the two houses. He says: "Speaking seriously now, if on the one hand it should be claimed that descent from a good family in the best sense of that much abused word, from a family which for generations has lived on the heights of the national culture and has grown up with the country, is nevertheless no guarantee for the understanding or even remarkable intellectual endowment of the eldest son, so may it be claimed on the other hand, with equal right, that the unusual intellectual capacity of an individual, which he has shown in science and art, in politics and industry, in the service of the community or of a great corporation, is nevertheless no guarantee for the existence of that feeling of responsibility, which, for the law-giver, for him who has a share in the sovereignty of the country, is just as necessary as a broad intellectual grasp,—that feeling of responsibility which is produced and nourished equally well by the traditions of one's ancestors and by the care for the preservation and transmission of them to one's descendants. If we look at the problem of the upper house in this light, then the principle contained in the proposal of the committee, which would organically connect heredity with the service qualification, furnishes the happiest solution which one can think of."

An exhaustive paper by Professor Piloty, of Würzburg, follows, which deals with the law regulating the state service in Bavaria, as set forth in the recent "*Beamtengesetz*" of August 16, 1908, and other laws pertaining to the subject, to which is added an appendix dealing with the law touching the salary of members of the Bavarian *Landtag*, of January 30, 1908. This article begins with the history of the law, discusses the relations of officials to the service of the state, and closes with an exposition of the duties and the rights of the state's official servants.

Changes in the relations of state and church in recent times, owing to the assumption, by the state, of a purely temporal character, and to the separation of the church and state, form the theme of the fifth study in the *Jahrbuch*. The writer of the paper is Dr. Rothenbücher, a *Privatdozent* in the University of Munich. Dr. Rothenbücher has covered a

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large field, geographically, having discussed the modifications which have developed in the relation of *Staat* and *Kirche* in all the countries of Europe in the nineteenth century.

The last essay in the *Jahrbuch* is furnished by Dr. Olivier Nagy von Eöttevény, professor of law at Kaschau. It is a study of the constitutional relation subsisting between Kroatia and Hungary. The somewhat complicated organization of the legislative and administrative authorities is clearly set forth, and the autonomy enjoyed by Kroatia in judicial matters is also pointed out. While Kroatia exercises a large amount of self-government, its autonomy is never insisted upon at the expense of the unity of the Hungarian empire. The sovereignty of the king is unitary, and the monarchical power is not divided between the Kroatian and Hungarian nations, as is the case with Hungary and Austria. There is a Hungarian king and an Austrian emperor, but there is not a special king of Hungary and a special king of Kroatia.

The remaining two hundred and thirty pages of the *Jahrbuch* are taken up with reports on the legislation of the various countries of importance. The subject of imperial legislation in Germany, during the year 1908, is handled by Professor Laband, while the German treaties are discussed by Franz Duchow, privatdozent in Heidelberg. Professor Anschütz presents the development of public law in Prussia while Professor Piloty reports on the reform of the Bavarian law touching the communes. This is followed by a sketch of the Bavarian administrative legislation in 1908. The remaining reports, of which time forbids more than a passing mention, deal with the proposals for a new constitution in Mecklenburg, and the transaction of the *Landtag* in 1908, by Brückner; recent American legislation, by Freund; a review of Belgian legislation for 1908, by Errera; the union of Denmark and Iceland according to the draft of the commission, by Morgenstierne; England under the liberal régimé, 1906-1908, by Sussmann; the development of public law in Norway, since the dissolution of the Swedish-Norwegian union, by Morgenstierne; the financial administration of the Austrian provinces, by Mischler; Russian legislation in 1908, by Gribowsky; and the new reform work in Turkey, by Albrecht.

The volume closes with a list of the states represented at the second peace conference, which signed the conventions, the declarations and the final acts.

B. E. H.

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Diplomatic Memoirs. By JOHN W. FOSTER. (Boston: Houghton Mifflin Company. 1909. Two volumes. Pp. 333; 322).

Hon. John W. Foster, who is so widely known for his knowledge of international affairs and for his many substantial services to his country and to his countrymen (both through his experience as a diplomat and as a lawyer and by authorship of valuable books on the history and practice of diplomacy) has issued two volumes of *Diplomatic Memoirs* which contain an epitome of a large part of American foreign relations for the last generation and furnish interesting and entertaining glimpses of economic and social conditions in the several countries in which he resided (or through which he travelled), and clever and shrewd but cautious estimates and character sketches of eminent public men at home and abroad including the presidents and the secretaries of state under which he served. The connected narrative includes many significant sidelights, on treaty negotiations, and various phases of politics and diplomacy, interspersed with many historical summaries and amusing episodes, and much incidental wisdom.

These volumes are a modest record of an extraordinary and most exemplary career.

The author began his diplomatic services immediately after the spirited political campaign of 1872 in which, as chairman of the Republican state committee of Indiana, he contributed to the election of Grant and made possible the reëlection of Morton to the senate. Modestly choosing the lowest place in the diplomatic service (the Swiss mission), he was rather bewildered by the appointment as minister plenipotentiary to Mexico which was then the most difficult mission on the American continent. Though he was without experience in travel abroad, without much experience in society, unfamiliar with Spanish or any other foreign language, and with only a text book knowledge of international law, he was probably much better fitted than most of those who were then appointed to the American diplomatic service. With the valuable habits of a student, he mastered the subjects at hand and devoted himself strictly to duty. He learned the language, studied the people and their problems, received courteous treatment from all, and maintained the dignity of his office in the period of revolution and politics which placed Diaz in power and during the troublous border complication which delayed the recognition of Diaz by the Hayes administration and threatened relations of amity between the two countries.

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In 1880, after participating in the reception given in Mexico to General Grant who had just made a tour of the world, he left the country to accept an unexpected promotion to St. Petersburg, where he found a complete contract of social conditions and profitably formed the acquainance of distinguished statesmen and diplomats who had participated in the important political affairs of Europe "and whose relation to those of an earlier generation covered the events of the old world throughout the nineteenth century." It was at the Russian court that he established friendly relations with the Chinese minister which contributed to the warmth of the reception which he received at Peking fourteen years later. Here, too, he learned from the future Alexander III the story explaining the purpose of the visit of the Russian fleet to American waters in 1863. Though he had only ministerial rank, he thinks he was under no practical disadvantage. He was well treated by the entire diplomatic corps and by Gortchakoff, whom he regards as the most distinguished and accomplished diplomatist that he ever met.

After the death of Garfield in 1881, with no hope of making the diplomatic service a career, Mr. Foster decided that the interests of his family and due consideration of his own future demanded his retirement and at Washington in 1882 he laid the foundations for a notable practice of international law. In 1883, however, at the beginning of a policy of commercial reciprocity with Spanish America, he was asked by President Arthur to accept the Spanish mission in order to negotiate for better commercial relations with Cuba and Porto Rico. After various delays and evasions caused by the poverty of the Spanish treasury he secured the treaty which was later withdrawn by Cleveland.

He considers that the earlier portion of his diplomatic life was merely a preparation for the important and successful labor performed after the close of his Spanish mission.

In 1890 he was again called into public service. Appointed by Harrison and Blaine to conduct negotiations for reciprocity treaties under the tariff of 1890, he was sent (in 1891) on a second mission to Spain with whom he reached arrangements which increased American exports to Cuba and Porto Rico. In 1892 he succeeded Blaine as secretary of state and negotiated the first treaty for the annexation of Hawaii.

In 1893 he was appointed counsel to the Behring sea commission to arbitrate questions contained in the treaty which he himself had drafted. He states that the fallacies of argument in Blaine's brilliant non-partisan defense of his government in the Behring sea case are due to the false assertions and erroneous judicial decisions of the previous administration

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which had been betrayed into a wrong line of policy by the Alaska Commercial Company.

In October, 1893, free from all business or official obligations, he seized the opportunity to realize a long-cherished plan to make a tour around the world. A part of the narrative of the experiences of the trip, including a visit to China and Japan, is presented in the interesting, clever and observing letters of Mrs. Foster whose picture fittingly appears as a frontispiece of the second volume of the *Memoirs*.

Soon after his return to Washington, Mr. Foster received a cablegram from Peking inviting him to act as legal counsel to the Chinese commisssion in its difficult peace negotiations with Japan. He gives a very interesting account of this mission, the success of which was threatened at first by the ambiguous credentials and dilatory tacts through which the Chinese delegates discredited themselves before the Japanese but was finally made possible partly as a result of the attempt of a fanatic upon the life of Li Hung Chang. Most interesting is the record of the conversation between Li and Marquis Ito (showing their oriental traits and their points of view), the unique conference in which Foster induced the Emperor of China and his advisers to ratify the treaty which he had helped the discouraged Li to make, and the mission to Formosa to transfer the island to Japan.

Among the later events of Mr. Foster's career were a visit to Hawaii (1896) and the drafting of the second treaty for the annexation of Hawaii a second mission (1897) to Russia in regard to the protection of fur seals in Behring sea, a visit to London for the concluding ceremonies of the Queen's Jubilee, service as a member of the Anglo-American joint high commission (1898) to settle disputes with Canada, service as counsel on the Alaska boundary commission (1903), and service as a representative of China in the Hague peace conference of 1907.

The final chapters of his second volume contains a valuable narrative of relations with Canada and the organization and results of the Hague conference, estimates and character sketches of the presidents and secretaries of state under whom he served, points of interest in his international law practice, and a concluding chapter on life in Washington. In his international law practice, always advising foreign embassies or legations to avoid controversies with the department of state, he rendered useful service to both governments. Referring to the cases resulting from the murder of Chinese by mobs, he states that the discussion started thereby must eventually result in legislation to relieve the United States from the reproach of legal inability to afford protection to resident foreigners.

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The interested reader sometimes wishes General Foster had told more of his instructions or of negotiations which have never been published. For instance, one might wish to know more of the details of the negotiations after the inauguration of Hayes when prominent public men of the United States conceived the idea of a war with Mexico with the ultimate object of annexation of Mexican territory, and when the garrulous Señor Vallejo of California and his visionary son-in-law, General John G. Frisbie bearing unofficial letters from Secretary Evarts went to Mexico with a plan to induce Diaz, by threatened hostilitites, to agree informally to a cession of the northern states of Mexico as a preliminary to contemplated official negotiations.

Mr. Foster's eminent success in diplomacy was evidently the result of strict and conscientious devotion to duty, and close and undivided attention to the public business in hand to the exclusion of all other interests. He always relinquished professional engagements when appointed to public service. He advocates adequate training for diplomatic representatives. He favors permanent houses, but not large salaries. Believing that a diplomatic officer more than any other should be a non-partisan representative, he considers that the most serious mistake of his diplomatic career was his temporary absence from his post in 1876 to assist in the electoral contest at home.

JAMES MORTON CALLAHAN

Le droit international américain. Son fondement, sa nature, d' après l'histoire diplomatique des états du nouveau monde et leur vie politique et economique. Par ALEXANDRE ALVAREZ. (Paris A. Pedone. 1910. Pp. 392).

Much of the material in this book has already appeared in English under the title, *American Problems in International Law* (New York: Baker, Voorhis and Co., 1909.) In the second part of the volume is reprinted a monograph on nationality which first appeared in 1907. The author, who is counselor to the foreign office of Cnile, presents in the first part of his work a study of the diplomatic history of Latin-America; he divides this subject into three periods, and discusses the influence of Europe and the United States upon the Latin-American states and the relations of these states among themselves. He displays a keen and critical judgment of political forces in his analysis of the early policy

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of federation, and in his discussion of the influences which tended to counteract the movement toward the federation of the South-American states. The various congresses in which Latin-American states have taken part are carefully treated, particularly the Pan-American congresses of 1889, 1901 and 1906. The author finds in these congresses an evidence of the awakening of an "American consciousness"—a feeling of the necessity for a uniform solution of the many problems of special interest to Latin-America; these problems and their solution constitute what the author terms the American contributions to international law; and it is with reference to them that he uses the term "American international law." In the second part of his work Señor Alvarez analyzes the frequent conflicts on questions of nationality, which have been occasioned by the fact that the American states adopt the principle of "jus soli" and the European governments that of "jus sanguinis." The author's attitude is impartial, which is rare among writers on Latin-American international relations. His material is well organized, and the work constitutes a contribution to the diplomatic history of the Spanish-American states.

E. M. BORCHARDT.

L'Evolution de l'Arbitrage International. Par THOMAS WILLING BALCH. (Philadelphia: Allen, Lane & Scott, 1909. Pp. 122.)

This is a reprint, handsome as to paper and typography, of an essay which appeared in the *Révue de Doit International et de Legislation Compareé* during the year 1908. It is hardly a history of the idea of international arbitration, but rather a sketch of certain phases of the idea's application in practice. Two points the writer seeks to emphasize: first, that Émeric Crucé, in his *Nouveau Cynée* (1623), first proposed an international court for the settlement of international disputes, and, second, that the suggestion of an international arbitration of the Alabama and allied claims was first made by Mr. Thomas Balch in 1864. Interesting as the writer shows Crucé's plan to have been, little evidence is produced to prove the influence of that little known work. As to the service of Mr. Balch in 1864 the author occupies in the circumstances a pardonable position. That it is entitled to some recognition no one who reads this essay will question. Most of the book is devoted to a survey, necessarily rapid, of the principal arbitrations to which the United States has been a party: under the Jay treaty, Geneva, the fur seal,

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etc. That those he describes are but isolated examples in the history of American arbitration, a cursory examination of Moore's work, which is nowhere mentioned, would have disclosed. Altogether the essay while interesting would seem to be more informing to the European audience to which it was originally addressed than, in its present form, to American readers.

JESSE S. REEVES.

Municipal Government. By FRANK J. GOODNOW. (New York: The Century Company. 1909. Pp. ix, 401.)

Professor Goodnow has undertaken in this volume a comparative and somewhat comprehensive study of municipal government in the United States and principal countries of Europe. It naturally repeats to some extent material in some of his previous writings, particularly his *City Government in the United States.* But it also includes a larger amount of new matter; and the whole is systematically organized into what is undoubtedly the best single volume on the subject.

The book presents an account of the growth of cities and an analysis of the causes of urban growth and the character of city populations, the historical development of city government, the legal relations between city and state, the popular basis of city government and political methods, the various forms of municipal organization, and chapters on the principal branches of municpal administration, such as police, education, local improvements and finance.

From the well known reputation of the author, it is hardly necessary to state that the book has been carefully written and presents a thoroughly scientific analysis of municipal conditions. Those acquainted with his previous writings will also be prepared for some of his conclusions, such as those in favor of state administrative control of cities, a simple system of municipal organization and a permanent expert administrative service. On the other hand, the present book is more distrustful of municipal democracy; and some of his conclusions as to the character of city population seems open to question. For example in some places he seems to compare the individual ownership of real-estate with the ownership of property, overlooking the other forms of property which are most largely held by city residents.

His final word, emphasizing the interrelation between political and social reform in cities, is one which needs to be more thoroughly realized

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"There is no improvement in political conditions which does not aid in the amelioration of social conditions; for improvement in social conditions is in many instances possible only where the political organization is reasonably good. On the other hand there is no improvement in social conditions which does not make easier the solution of the political problem; for the difficulty of the political problem in cities is in large measure due to the social and economic conditions of the city population."

JOHN A. FAIRLIE.

The Government of the District of Columbia: A Study of Federal and Municipal Administration. By W. F. DODD. (Washington: John Byrne and Company. 1909. Pp. 298.)

Mr. Dodd has presented a careful and valuable description of public administration in the District of Columbia, prepared almost entirely from official sources, but with occasional suggestions of criticism and proposed changes. The book will be of much service in explaining the government, not only to the citizens of the District, but to those elsewhere interested in the large subject of municipal government.

Municipal conditions in Washington have often been cited as an almost ideal example for other American cities. Mr. Dodd somewhat cautiously confirms this in his conclusion that the administration is conducted honestly and with a fair degree of efficiency; that political considerations do not interfere with the conduct of public affairs; and that complaints of fraud and corruption are infrequent. He does not, however, attempt any detailed comparison with other cities so as to make clear the better results secured in Washington. Nor does his discussion on finances bring out the fact that the expenditures of the District of Columbia are much greater than those of other American cities of similar size, or consider whether the results are greater or less than might be expected from the larger expenditures.

Mr. Dodd does, however, show that the organization of public administration in the District is still a complicated one; and indicates the many points of contact between the local authorities and the executive departments of the national government. His account also indicates something of the sentiment in the District of dissatisfaction with the working of congressional control over appropriations and in favor or some local representation in the local government; but in discussing recent plans for

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changes in this government, Mr. Dodd does not urge any radical changes or the introduction of any popular element.

JOHN A. FAIRLIE.

Chapters on Municipal Administration and Accounting. By FREDERICK A. CLEVELAND, Ph.D., Director of the Bureau of Municipal Research. (New York: Longmans, Green and Company. 1909. Pp. xvi, 361.)

The day is past when the problem of good municipal government can be considered as one having to do simply, or even primarily, with general political principles. It was probably well that, at the outset of the present great movement for the reform of city government, special attention should be given to the proper place of municipal governments in our general constitutional system, the extent and nature of the powers that should be conferred upon them, and the agencies and methods through which these powers should be exercised. Regarding this phase of the subject, we have now a large number of excellent works, and if complete agreement on all points has not been reached, we have at least a clear presentation of the factors involved upon which to base an intelligent judgment.

This much has been accomplished; but, with that achieved, we have only laid the basis or cleared the ground for attacking the real problem of securing an honest and efficient administration of local affairs. This problem is the purely practical one of putting the internal organization and methods of business of municipal services upon a business basis. Here we have to do with questions which are not peculiar to governmental affairs but are identical with those of all important industrial undertakings. Even in these cases where the financial interests of the members are directly concerned, a realization has only slowly been had that a large concern must be conducted in quite a different way from a small one if the same efficient results are to be obtained. In proportion, as the scale of operations of an undertaking becomes broader, of more diverse character and greater complexity, the necessity becomes urgent that those having the direction of affairs shall have at hand means by which they can constantly keep themselves informed of exactly the condition of the business that is in their charge, the necessity for, cost of, and benefits received from, each operation and how affairs generally are being conducted in comparison with past experience and that of other similar

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undertakings. In the same way, it is only by the possession of such information that the stockholders and others interested can know the extent to which those to whom they have delegated the administration of affairs are performing their duties with fidelity and zeal.

There is but one way by which this result can be secured—by organizing the working force so that responsibility is definitely located and by perfecting a system of recording and reporting all transactions, and chiefly those of a financial character, so that complete data, systematically arranged and scientifically analysed, are always available to both the directing heads and the general body of interested parties. True of all big undertakings this is supremely so of that most important and complex of all corporations—the municipality.

Now the significant feature of this is that in attempting to secure this end we are dealing with a purely business proposition. It is a matter of intense congratulation, therefore, that this phase of the problem is now being recognized. More and more contributions to the study of municipal governments are partaking of technical studies of methods. In this the National Municipal League has been the path breaker, and following it has come the establishment of the Bureau of Municipal Research in New York, at the head of which is the author of the book under review, and whose influence for good can scarcely be overestimated.

All this is by way of making clear the field to which Dr. Cleveland has devoted himself in this book, and the great practical importance of his study. The book itself is a collection of twenty-odd papers which had been read by him at different gatherings or published in economic and technical journals. From this results considerable repetition, but it is only by constant repetition that the truths he presents can be driven home. The burden of all his papers is that we are asking the impossible from even the highest minded and best intentioned public servants so long as they are not given the means of themselves, to say nothing of the general public, knowing how affairs in the different branches of the municipal service are going. The one imperative need of good government is a thoroughly modernized and scientific accounting system—one that will not only insure that all funds passing through the hands of the financial officers are duly accounted for, but make plain the nature of the transactions involved. No railroad or important industrial concern could successfully carry on its affairs for a moment without such a system, and no more can a municipal corporation.

"What we need is a thorough system of municipal 'cost keeping,'

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together with a comprehensive system of centrally controlled 'administrative accounts.' More than this: These records and results should be translated into simple, plain English and currently reported to citizen-stockholders of the corporation organized to protect and foster the common weal. Until this is done we as citizens are putting a premium on graft, we are providing the conditions for a constantly increasing infection that must corrupt, degrade, and ultimately destroy the ability of the people to coöperate for their own protection and welfare.

"Nor are we lacking in the experience as to administrative methods which will enable the officer, the council of the elector, to obtain full and complete information on every subject and transaction concerning which information is needed for purposes of intelligent control. These methods have already been established in the management of private corporations. They have also been applied to different aspects of public business. It remains only for electors to demand and insist on the introduction of these established methods of administrative accounting—to demand and insist on the introduction of scientific methods of obtaining accurate operative data—to demand and insist on the introduction of adequate methods of recording the evidence by means of which responsibility may be located for each order or advice given in the direction of the affairs of a municipality. In a word, it remains only for electors to shift the emphasis from men and measures to methods of administration and to demands for a full and accurate knowledge of results to avail themselves of the benefits to be derived from both."

This is the one great need that must be met if further advance is to be made in improving municipal administration. Dr. Cleveland has already rendered a great service in the original delivery of the addresses and publication of the papers here brought together, and it is much to be hoped that in their more permanent form they will reach a still wider audience. Certainly no one concerned in any way with municipal affairs can fail to read almost any one of the papers without great profit, or without partaking of some of the zeal of the author in demanding the application to the management of city affairs of the best possible scientific and technical principles and practices.

W. F. Willoughby.

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Divorce: A Study in Social Causation. Studies in History, Economics and Public Law, vol. xxxv, No. 3. By JAMES P. LICHTENBERGER. (New York: Columbia University: Longmans, Green and Company. 1909. Pp. 230.)

This monograph is a sane, courageous and thoroughly scientific study of the hardest and least understood problem of modern civilization. It is a signal proof of the leadership which the trained sociologist taking in the great constructive work of social and moral progress. For centuries earnest men have been searching for the ethical meaning of increasing divorce. Alike the statesman, the law-maker, and the moralist have failed to discover it. Theology and ecclesiastical tradition have but served to befog the issue. Apparently the sociologist is winning more success; for decidedly the phenomenon of increasing divorce is the result of social causation.

Accordingly Dr. Lichtenberger approaches his task as a sociologist whose sole interest is to reach the truth through an inductive examination of the facts. To him marriage and divorce are simply social institutions which have arisen in human experience under pressure of social forces for the satisfaction of human needs. He belongs to that "smaller, but rapidly increasing number" of persons who are seeking to determine whether the phenomenon of a rapidly accelerating divorce rate "may not be the result of environmental changes;" who "assert that in the readjustment of society to the new basis of our modern civilization'' mal-adjustments may occur "which tend to disrupt the home:" who believe it "possible that the increasing divorce rate is the result of transition due to progress." He has nothing common with the religious dogmatists and alarmists who "regard the divorce movement as an integral part of a general trend of social degeneration which threatens the family, along with other social institutions.''

In the first chapter the author seeks to disclose the nature and scope of his subject. It is his purpose to make an intensive study "of the facts exhibited in continental United States for a period of forty years, 1867–1906, for which the data are now accessible" in the two great government reports. The origin of divorce in primitive society is considered in the second chapter. An historical foundation is here laid in a brief and clear presentation of the salient facts disclosed by recent research regarding early matrimonial institutions. Touching the future of the family the chapter concludes with these words:

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"With the gradual emancipation of women and the attainment of greater equality, the right of women to divorce, on the same footing as men, must be conceded. As various coercive tendencies are removed and marriage becomes a matter of choice, equally free divorce will necessarily result. It thus appears that modern developments are bringing us the completion of the circle. As in the primitive marriage, the individual will remain free to enter or to leave the marriage state, but he will be guided in his choices by higher considerations, and because of other influences, the union will be of much more enduring character, and will tend to become permanent."

The third chapter presents the essential provisions of the code of Hammurabi, the laws of Manu, the laws of Rome, and other ancient legal systems, so far as they deal with marriage and divorce. This is followed by an excellent account of divorce during the Christian centuries. The origin and consequences of the sacramental dogma are traced; and the influence of Martin Luther on the rise of civil marriage and its counterpart, civil divorce, is accented. The "principle involved in the civil contrast theory was destined to work out its necessary results. With the general recognition of the civil right throughout the civilized world, the sphere of secular legislation has been extended over the entire province of divorce; and ecclesiastical influence has diminished.

A rather full chapter is devoted to the American statistics of divorce; and another to American civil legislation. Dr. Lichtenberger is not inclined to lay much stress on the influence of legislation as either checking or increasing the divorce rate. While both our marriage and our divorce laws have gradually become more stringent, the divorce rate has gained a threefold velocity during the forty years since 1870. Though not accepting the popular view that very many persons obtain divorce in order to rewed, he contends that there is "one element in the problem which is frequently overlooked" in scientific discussion. He says:

"While it may be that the numbers of those who wish to break their marriage ties, in order to assume new ones, is statistically a negligible quantity, although from observation we know there are such cases, it is certainly true that there are not a few husbands and wives who have separated and who have lived apart, perhaps for years, and who have not deemed it expedient or necessary to go to the trouble of obtaining a divorce, who find at length that new attachments have been formed and who proceed to procure legal separation in order to legitimate their new relationships. . . . As a matter of fact, only

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12.7 per cent of the divorces granted in the period of 1887–1906, in which the length of time between separation and divorce was known, were obtained in less than a year after separation, while 72.2 per cent ranged between one and five years."

The eighth chapter gives us a useful summary of American ecclesiastical legislation regarding divorce; and such legislation falls wholly within the period covered by this monograph. The efforts of the churches have been directed almost wholly to effects rather than to causes; and therefore in the main their action is a monument of wasted energy.

The last five chapters (pp. 142–225) are devoted to a study of the social causes of divorce. This part is of course the crowning purpose of the whole investigation; and in it Dr. Lichtenberger has rendered to society an important service. He seeks the real causes of the acceleration of the divorce rate in changing social conditions, in the clash of old and lower ideals with new and higher ideals of the marriage relation during a transition phase of social progress. Bad marriage laws and sociologically bad marriages are and always have been a proximate cause of divorce; but the fundamental causes of the "threefold velocity" of the divorce rate in our country, and of the increase in the rate elsewhere, "is the pressure due to changes in the social environment; "which pressure "is operating to render sociologically bad marriages unendurable, whereas under former conditions they were not discovered to be bad, and even to make it more difficult for sociologically good marriages to survive."

Accordingly Dr. Lichtenberger examines the "problem of adjustment to environment," first considering the "stress of modern economic life,"—its "pressure upon the home," the "passing of the economic function of the family," and the "economic emancipation of women." The significance of the freer granting of divorce for women is rightly accentuated:

"The influence of the new economic status of woman upon the divorce rate is readily perceived. Marriage is no longer the only vocation open to her and for which she is equalified. She is not forced into marriage as her only means of support, and later marriages and lower birth-rates reveal the influence of this fact. If marriage is a failure, she does not face the alternative of endurance or starvation." Wives more often than husbands are seeking relief from marital ills in the divorce court. "Sixty-six per cent of all divorces in the United States are now granted on the petition of the wife."

In harmony with his discussion of the economic forces working for

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more liberal divorce, is Dr. Lichtenberger's luminous chapters on the many-sided "struggle for social liberation" and on "ethical and religious readjustment." Beyond reasonable question, the divorce movement is an incident in the mighty process of spiritual liberation which has been going on ever since the Reformation. The age of sentiment, dogma, and appeal to traditional authority is passing. There have arisen a higher ideal of domestic happiness and "new basis of sexual morality."

This monograph is a worthy product of the American sociological laboratory; and it will help everyone who is earnestly striving to advance the just solution of the hard problems of modern social ethics.

GEORGE ELLIOTT HOWARD.

Joseph Cowen's Speeches on the Near Eastern Question: Foreign and Imperial Affairs: and on the British Empire. Revised by His Daughter. (London: Longmans, Green and Company. Pp. 249.)

The late Joseph Cowen was an English newspaper owner and publicist who was one of the members of parliament from Newcastle, where his daily journal, the *Chronicle*, was published, from 1873 to 1885. He long ranked as an orator; and in this capacity was sometimes classed along with John Bright. He was a speaker who took extraordinary pains with every public utterance he made; for it was his practice to dictate his speeches to a shorthand reporter; have them put in type in his newspaper office; and then work them over until he regarded them as perfect and ready for delivery. He was one of the last of this school of English orators, one of the last English publicists who prized their reputations as orators, and were always zealous to live up to these reputations. It is for for this reason perhaps more than for the present day value of the views expressed that this collection of speeches by Mr. Cowen will be turned to by American students of English political life in the twenty-one years that lie between 1876 and 1897. Mr. Cowen's speeches lack the moral force and ethical note of Bright's platform utterances; but they are otherwise typical of the best house of commons and platform oratory in the last twenty-five years of the late queen's reign. The earlier speeches of Mr. Cowen were collected, edited, and published by Major Jones, of Cardiff, in 1885. Those in what may be regarded as the concluding volume begin with an address at Blaydon-on-Tyne in 1876, on

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the Bulgarian atrocities; and the last in the series is a speech on the British empire made at Newcastle's celebration of Queen Victoria's Diamond Jubilee in June, 1897.

The Early History of the Tories from the Accession of Charles II to the Death of William III. (1660–1702). By C. B. Roylance Kent, M.A. (London: Smith Elder and Company. Pp. xv, 481.)

Ten years ago Mr. C. B. Roylance Kent published an acceptable study of the English radicals of the period from 1761 to the second reform act in 1867; a study which is still the most complete history of English radicalism that is available. In the years that have elapsed since his useful monograph appeared Mr. Kent has been engaged in the study of toryism, and with equally valuable results from the standpoint of the student of English party history. Mr. Kent, however, has not aimed at a volume parallel with his history of the radicals; for in his study of toryism he has gone back to 1660; and while his intention is to carry the story down to the end of the reign of Queen Anne, in the present volume he halts at the death of William III, and promises to complete the study as originally planned, if "encouraged to proceed further." This encouragement cannot fail to be forthcoming in view of the two valuable contributions to the history of English political parties—scholarly both in conception and execution—that now stand to Mr. Kent's credit. The new volume extends to 480 fairly closely printed pages. This is good measure for a work confined to party history that covers only a little more than forty years. But Mr Kent has overlooked no sources from which the slightest contribution—direct or indirect—to his study could be obtained. Moreover, these forty years are full of interest as regards the early tories; and Mr. Kent has also gone with much detail into the characters and opinions of the men who were prominent in this period of toryism. The value of Mr. Kent's work becomes apparent when it is recalled that the only existing work specially concerned with toryism and party history for this period is G. Wingrove Cooke's *The History of Party*; that Cooke finished his study as far back as 1836; and that in Cooke's history, written when comparatively little first hand material was available, only one volume with the large type and widely printed pages of book making of three-quarters of a century ago is devoted to the history of whig and tory parties between 1666 and the end of the reign of Queen Anne in 1714. E. P.

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George Canning and His Friends. Containing Hitherto Unpublished Letters, Jeux d'Esprit, etc. Edited by JOSCELINE BAGOT. (London: John Murray; New York: E. P. Dutton. 1909. Two volumes. Pp. xiii, 423; ix, 463.)

Not much can be said for the arrangement and editing of this collection of letters and papers. Captain Josceline Bagot makes no pretense at offering a new life of Canning, and must therefore not be criticized for having failed to do so. All that he has attempted to do, has been to bring into some kind of order, and to reduce within reasonable limits, a vast mass of correspondence which has fallen into his hands, much of which must appear to every student of English political and social history well worth preserving. In his work as editor Captain Bagot has limited himself to the briefest possible sketches of the writers of the letters, and explanations of the circumstances under which some of them were written. An introductory chapter gives a short account of Canning's parentage and early life, and of the friends of Canning who appear most frequently in the correspondence. The earlier letters are largely of a personal character—many of them a of little value historically, except for the glimpses they give of Canning's personality, and of social and political conditions in England, in the last decade of the eighteenth century. Considerable space is occupied with letters describing the rather coarse and vulgar buffoonery in which in those days gentlemen seem to have freely indulged at the expense of their friends, and to which Canning and his associates were somewhat inordinately addicted. Interspersed among these effusions are serious letters which show the power of observation and the grasp of affairs which already characterized the future cabinet minister. One of these more serious letters is written to Mr. Edward Boot Wilbraham and dated December 4, 1792, when Canning was twenty-two years of age. This letter on the state of England covers ten of Captain Bagot's pages, and is a remarkable review of social and political conditions before the outbreak of the war with France. With this and a few other exceptions the earlier letters make but a small contribution of English political history.

Canning entered parliament in 1793 as member for Newtown in the Isle of Wight, one of the rotten boroughs of the unreformed house of commons. He owed his seat solely to Pitt; "without," as he wrote to his friend Richman, "the influence or interference of any other man." Clearly the electors of Newtown who went through the form of choos-

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ing him as their representative were entirely negligible. In writing a little later to Bootle Wilbraham, Canning reiterated his sense of indebtedness to Pitt. "The seat does not cost me one farthing," he added, "nor put me under the smallest obligations to any one man, woman, or child —Mr. Pitt only excepted." The fact that the electors of Newton had voted for him is, however, not entirely overlooked. "My constituents," continues the letter, "are a select but not unrespectable set of people who live on the sea coast in the Isle of Wight, at a small but convenient town called Newtown, and amuse themselves with catching fish, and when Sir Richard Worsley vacates a seat as he does now and then upon a promise or receipt of some snug employment from government —with electing in his room a worthy and independent member of parliament." Only two years after his entrance into parliament Canning was made under-secretary for foreign affairs under Lord Grenville in Pitt's government, an office which he held until Pitt resigned in 1801. The letters which Captain Bagot has been able to recover belonging to this period do not however, treat seriously of politics. Like the earlier letters they belong chiefly to the more personal side of Canning's life and show his deep affection for his wife and his friends and also his irrepressible love of fun and joking.

Six years after Pitt's resignation in 1801, the whig government, in which Fox had been foreign secretary, resigned and a tory ministry with the Duke of Portland at its head came into office. In this ministry, Canning was foreign secretary, and his first action was to offer the under-secretaryship to Charles Bagot, Captain Bagot's uncle. The long correspondence between Bagot and Canning, which began at this time and was continued after Canning's resignation in 1809, forms the most valuable section of Captain Bagot's book at least so far as these volumes are to be considered as an addition to our knowledge of the great foreign secretary. The letters of this period are plainly those that remained in the possession of Sir Charles Bagot, as most of them are addressed to him, and only now and again has Captain Bagot been able to recover the replies. Inspersed among Canning's letters to the under-secretary are letters from Sir Walter Scott, Villiers, the minister at Lisbon, Arbuthnot and Ward, members of parliament, and Henry Wellesley, the younger brother of the Duke of Wellington. There is no thread of connection between these letters; all that Captain Bagot has done having been to select every letter which seemed worth preservation, and to arrange the letters as far as possicle in chronological order. The letters from Canning to Bagot do not stop with the end of their

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relationship as foreign secretary and under-secretary, but continue to 1813, and this correspondence forms the second half of the first volume of Captain Bagot's collection. The second volume unfortunately includes comparatively few letters from Canning. In 1815, Bagot was sent as minister to the United States and the first two chapters of the second volume contain some very interesting impressions of American politics and American sentiment towards England after the war of 1812. These chapters will be useful to the student of Anglo-American relations; but they do not shed much light on the life of Canning.

Except for a short term as president of the board of control for India in 1816, it was not until 1822 that Canning again found himself in office. He then became foreign secretary in Lord Liverpool's government, an office which he held until he became prime minister a few months before his death in 1827. It was during this term at the foreign office that the doctrines especially connected with Canning's name became incorporated in English foreign policy. Unfortunately very few of Canning's letters, written at this stage of his career, have fallen into Captain Bagot's possession, and little new light is thrown on the motives and reasoning which led Canning to favor reform abroad, while hating and fearing it at home. From a speech made at Plymouth in 1823, it is evident that his attitude towards foreign countries was founded on his belief that "England is not called upon on every occasion to mix itself in the concerns of the nations that surround us." His application of this principle is briefly expressed in a sentence from a letter to Bagot which Captain Bagot places on his title page: "Each country for itself and God for us all." The sentence occurs in a letter marked "Private and confidential," written on January 3, 1823, and it expresses briefly Canning's policy of non-interference when a country by revolution was freeing itself from tyranny.

Probably the chief value of Captain Bagot's contribution to English history a greater value even that the new light on Canning's life and character—is the confirmation it affords of the growing conviction that England's governing classes were always careful to secure to themselves ample rewards for their work of government. The trials and difficulties of cabinet making; the necessity of providing for X, Y and Z, if these gentlemen had to be ousted from office to make room for others; the careful selection for the minor offices of needy relatives of great men who had to be propitiated; the aristocratic composition of ministries, whig and tory, and of the diplomatic service; and the scorn and con-

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tempt so freely poured out on Peel—"that cotton weaver"—and other outsiders; all illustrate the value which the governing classes placed upon their services, and the claim that they asserted to be fully repaid for them. The tradition of unpaid service has been of immense value in English political life; but it was not until the middle classes took up the work of municipal government after the municipal reform act of 1835 that political service in England was rendered without payment. As long as service was confined to the aristocracy such letters as these in Captain Bagot's collection show that very little of it was really unpaid.

A. G. P.

The Speakers of the House. By HERBERT BRUCE FULLER. (Boston: Little, Brown and Company. 1909. Pp. 311.)

This volume is a popular historical review of the growth of the office of speaker of the United States house of representatives, together with a series of character sketches of the more important men who have filled that office. The author, we are told, is widely acquainted in official circles at Washington and has known personally many of the speakers who have presided over the deliberations of the house. His portraitures of Clay, Grow, Calfax, Blaine, Randall, Crisp, Reed and Cannon are especially interesting and are replete with numerous anecdotes concerning their official careers. Grow, he tells us, seldom erred and exerted vast influence on the course of legislation. He was the first speaker to take part in the discussions of the house when it was not in committee of the whole. As a speaker he ranks with Clay for enduring personal popularity, though his popularity was that of weakness. "He belonged to that class which biologists term invertebrates" and led a "gelatinous political existence." Colfax possessed neither will nor mind of his own and his ideas of parliamentary law were so crude that he had to employ a parliamentary tutor to solve for him the labyrinth of its perplexities. Both he and Grow were largely under the guidance of Thaddeus Stevens, "the greatest of all American parliamentary leaders." Blaine and Randall helped materially to increase the political importance of the speakership, though Randall was an obstructionist in matters of legislature. He was the first speaker who sought directly to increase the power of the office by changing the rules. Carlisle regarded the speakership in the light of a judicial office, frequently refused to make partisan decisions and established a new and

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stronger conception of the office. Crisp was "essentially a political speaker" and while his decisions often displayed a decidedly democratic tint, he never failed to maintain the respect of his political opponents." Although a good parliamentarian many of his rulings can scarcely be reconciled with any sound principle of parliamentary law or practice. Reed brought to the speaker's chair the most interesting personality that ever presided over the house. He combined in effective harmony strength of character, force of ideas and political sagacity. Temperamentally he was aggressive, with a will of iron and nerves of steel, serenity of temper and a cosmopolitan breadth of view. Henderson was of moderate ability, weak of will and dominated often by the committee on rules. The present speaker is portrayed as the most unimaginative man in public life, an inveterate enemy of the democratic party, a foe to verbosity, temperamentally a conservative. No other speaker we are told, has done so much to educate the American people to the real power of the office and there has never been a man in the house who is so complete a master of every parliamentary trick and technicality. As now administered the office of speaker, according to Mr. Fuller, is more powerful than that of the presidency. The occupant of the speaker's chair is the "absolute arbiter of the destiny of every member of congress, absolutely controls legislation and owns the house of representatives, body, soul and conscience."

History of the Bank of England. By A. ANDREADES. Translated by CHRISTABEL MEREDITH, with a preface by H. S. FOXWELL. (London: P. S. King and Son, 1809. Pp. xxvi, 443 pp.)

Professor Andreades' *History of the Bank of England*, published in French in 1902, may be fairly said to have become the standard authority on the subject. This position will undoubtedly be strengthened by the excellent translation of Mrs. Meredith.

The earlier part of the book, in which the events leading up to the founding of the bank are described, is based upon extensive researches in the pamphlet literature of the period, and is a notable contribution to English banking history. The later parts although evincing everywhere a sense of proportion, good judgment in the use of authorities, and remarkable capacity for extracting the kernel from voluminous masses of secondary materials and parliamentary reports, can hardly be regarded as adding much to our knowledge, for the career of the bank

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since 1800 has already been exhaustively if unsystematically treated. The merit of this part of the *History* is that it combines into a symmetrical whole fragments heretofore scattered. The author, perhaps because a foreigner, has been able to escape those two maelstroms—the controversies over the Bullion report and the act of 1844—which have wrecked so many promising essays in the history of English banking.

The chief defect in the work is the extremely cursory way in which the organization and functioning of the bank are dealt with. It was almost inevitable from the circumstances under which the book was written that it should be weakest in this particular, for the intimate knowledge of the London money market required for the difficult task of analyzing the working of the bank could hardly have been expected of a young Greek student of economics. Fortunately, the gap thus left is filled to a large extent by Mr. Palgrave's careful book on *The Bank Rate and the Money Market*. The two works taken together afford a history and a description as satisfactory as Courtois' great work on the *Banque de France*.

Professor Foxwell contributes to the translation a brilliant, if somewhat iconoclastic preface, in which he arraigns the "plausible platitudes" of Locke and the "doctrinaire habits of thought of the Ricardians. To the harmful influence of the Ricardians on economic inquiry, he attributes the lack of a satisfactory English history of the bank. He defends the policy of the directors during the period of restriction, and adjudges it fortunate that Ricardo and his followers were not able to put their theories into effect at that time. A careful characterization of the literature relating to the bank adds value to the introduction.

G. E. B.

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INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

ADMINISTRATIVE LAW

Books

Fischer, Karl H. Lexikon des in Bayern geltenden Verwaltungs-Staats-Polizei- und Polizeistrafrechts nach den Entscheidungen der bayerischen oberen Gerichte. I. Bd. 1. Lfg. Munich: Wachter. 1909. Pp. xiv, 288.

Georgin, Charles. Droit administratif. 7th ed. Paris. Pp. 446

Peabody, Susan Wade. A historical study of legislation regarding public health in the states of New York and Massachusetts. Chicago: Journal of Infectious Diseases. Pp. 158.

COLONIES

Books

Ajalbert, J. Les destinées de l'Indo-Chine. Paris: Louis-Michaud. Pp. 350.

Alldrige, T. J. A transformed colony: Sierra Leone as it was and as it is. Philadelphia: Lippincott. Pp. 16, 7, 362.

Chailley-Bert, Joseph. L'Inde Brittanique. Paris: Colin. Pp. 513.

Cory, G. E. The rise of South Africa. A History of the origin of South African colonization. Vol. I. London: Longmans. Pp. 442.

Halot-Gevaert, Alix. Commentaire de le loi de gouvernement du Congo belge. Paris: Pedone.

Hone, Percy F. Southern Rhodesia. London: Bell. 1909. Pp. xvi. 406.

Julien, G. Institutions politiques et sociales de Madagascar. Vol. 2. Paris: Guilmoto. Pp. vii, 377.

Marlier, Georges. Le droit colonial italien. Nancy: Bertrand. Pp. iv. 230.

Articles in Periodicals

Africa. L'Angleterre en Afrique. Capitaine *E. de Renty.* Ques. Dip. et Col. Feb. 16, Mar. 15.

Portugal. Les colonies portugaises. *A. Marvaud.* Ques. Dip. et Col. Feb. 1.

CONSTITUTIONAL LAW

Books

Ashley, Roscoe Louis. American government, for use in secondary schools. Revised, New York: Macmillan. Pp. xxix, 356, xxxi.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Bastide, C. Les institutions de l'Angleterre sous Edward vii. Paris: Paulin. Pp. 302.

Beseler, Wilh. Das Staats-und Verwaltungsrecht des Fürstenthums Schaumburg-Lippe. Hannover: Jänecke. Pp. iv, 119 (Bibliothek des Oeffentlichen Rechts).

Bolzani, Geo. Die Verantwortlichkeit der Preussischen Minister und ihre praktische Geltendmachung. Berlin: Puttkammer und Muhlbrecht. 1909. Pp. 90

Breton, J. L. La réforme éléctorale. Paris: Cornély. Pp. 129.

Caetani, Leo. La riforma elettorale, il sistema proporzionale e l'evoluzione del parlamentarismo. Rome. 1909. Pp. 131.

Coleman, Nannie M. The constitution and its framers. 2d. ed. Chicago: Progress Co. Pp. 10, 642.

Daubret, V. Le droit au pardon. Paris: Colin. Pp. 307.

Du Manoir. L'Interpretation des lois par le législateur et le principe de la separation des pouvoirs législatif et judiciaire. Paris: A. Rousseau. Pp. viii, 99.

Elliott, E. G. Biographical history of the constitution. New York: Putnam. Pp. 11, 400.

Ewing, Elbert W. R. History and law of the Hayes-Tilden Contest before the electoral commission: The Florida case, 1876-77. Washington: Cobden Pub. Co. Pp. 194.

Fischer, Otto. Das Verfassungs-und Verwaltungsrecht des Deutschen Reiches und des Königreichs Sachsen. 12th ed. Leipzig: Dürr. Pp. viii, 186.

Flandin. E. La représentation proportionnelle. Paris: Soudier. Pp. 64

Foignet, René. Manuel élémentaire de droit constitutionnel. 6th ed. Paris: A. Rousseau. Pp. 361.

Freese, Heinrich. Die konstitutionelle Fabrik. Jena: Fischer. 1909. Pp. viii, 170.

Gradnauer, Georg. Verfassungswesen und Verfassungskämpfe in Deutschland. Berlin.

Hamel, J. A. van. Staats-und Verwaltungsrecht des Königreichs der Niederlande. Hannover: Jänecke. (Bibliothek des Oeffentlichen Rechts.)

Hatschek, Jul. Staats-and Verwaltungsrecht des Commonwealth Australiens, sowie Neuseelands. Hannover: Jänecke. (Bibliothek des Oeffentlichen Rechts.)

Heidborn, A. Manuel de droit public et administratif de l'empire Ottoman. Livr. 2 (pp 235-442). Vienna: Stern. 1909.

Laband, Paul. Deutsches Reichstaatsrecht. 5th ed. Tübingen: J. C. B. Mohr. 1909. Pp. viii, 464. (Das Oeffentliche Recht der Gegenwart.)

La Jaline, J. de. Suffrage féminin en Angleterre et les suffragettes. Paris: Roustin.

Lányi, Bartholom. v. Die Regierung Fejérvary (1905-1906) in regierungs, politischer und verfassungsrechtlicher Beleuchtung. Berlin: Puttkammer und Muhlbrecht. 1909. Pp. vii, 758.

Machen, Arthur W. A treatise on the federal corporation tax law of 1909. Boston: Little, Brown. Pp. xxv, 269.

Morgan, J. H. The House of Lords and the Constitution. London: Methuen.

Salkind, Alex. Die russische Reichsduma, ihre Geschäftsordnung und deren Zusammenhang mit den Geschäftsordnungen anderer Volksvertretungen. Berlin: Puttkammer und Muhlbrecht. 1909. Pp. 72.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Scheibke, Alwin. Die Frist für Sanktion und Publikation von Gesetzen. Tübingen: J. C. B. Mohr. 1909. Pp. xi, 151. (Abhandlungen aus dem Staats-Verwaltungs-und Völkerrecht.)

Tambaro; I. Saggi di diritto e politica costituzionale. Turin. Pp. 285.

Articles in Periodicals

Act of State. The "Act of State" Doctrine. *H. T. Kingsbury.* Am. Jr. of Int. Law. Apr.

Budget, English. The British Budget and Social Reform. *G. Paish.* Pol. Sci. Quar. Mar.

Budget, German. The German Doctrine of the Budget. *W. J. Shepard.* Am. Pol. Sci. Rev. Feb.

Chinese Succession. La succession au trône de Chine. *M. Courant.* An. de. Sci. Pol. Jan. 15.

Commerce Clause. The Application of the Commerce Clause to the Intangible. *F. H. Cooke.* Pa. L. Rev. & Am. L. Reg. Apr.

Corporation Tax. Is the federal corporation tax an interference with the sovereignty of the States? *John S. Sheppard, Jr.* Harvard L. Rev. March.

Corporation Tax. The Federal Corporation Tax Constitutional? *W. E. Dorman.* Green Bag. Mar.

Corporations. State and federal control of corporations. *Frederick H. Cooke.* Harvard L. Rev. Apr.

Due Process of Law. The Due Process Clauses and "The Substance of Individual Rights." *R. P. Reeder.* Pa. L. Rev. & Am. L. Reg. Jan.

Freedom of Speech. Absolute immunity in defamation: Legislative and executive proceedings. *Van Vechten Veeder.* Columbia L. Rev. Feb.

Freedom of Speech. Freedom of public discussion. *Van Vechten Veeder.* Harvard L. Rev. Apr.

German States, Powers of. Der Begriff des Reservatrechts im Sinne der Verfassung des Deutchen Reiches. *O. Nirrnheim.* Archiv für Oeffentliches Recht. Vol. 25, pt. 4.

House of Lords. The House of Lords: Its History and Constitution. *C. R. A. Howden.* Jurid. Rev. Jan.

Interstate Commerce. The Right to Engage in Interstate and Foreign Commerce as an Individual or as a Corporation. *F. H. Cooke.* Mich. L. Rev. Apr.

Labor Legislation. Constitutional Limitations and Labor Legislation. *E. Freund* Ill. L. Rev. Apr.

Legislative Appropriations. Independence des pouvoirs publics dans la fixation des dépenses publiques. *G. Jéze.* Rev. du Droit Pub. et Sci. Pol. Jan.-Feb.-Mar.

Privy Council. The judicial committee of the Privy Council. *William Renwick Riddell.* American L. Rev. Mar. April.

Railway Rates. The Judicial Test of a Reasonable Railroad Rate, and Its Relation to a Federal Valuation of Railway Property. *C. C. Fenwick.* Mich. L. Rev. Apr.

Separation of Powers. The Article in the Constitution of Illinois on the Distribution of Powers. *H. G. James.* Ill. L. Rev. Apr.

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South Africa. A Comparative Study of the South African Constitution. *L. H. Woolsey.* Am. Jr. of Int. Law. Jan.

Supreme Court. The Last Year With the United States Supreme Court. *A. P. Humphrey.* Am. L. Rev. Jan.-Feb.

Supreme Court. Congress and the Supreme Court. *H. M. Bowman.* Pol. Sci. Quar. Mar.

Swift V. Tyson. Swift V. Tyson: Uniformity of Judge-Made State Law in State and Federal Courts. *H. Schofield.* Ill. L. Rev. Mar.

Trusts. The federal anti-trust act. *Robert L. Raymond.* Harvard L. Rev. Mar.

Unconstitutional Laws. Nullification by indirection. *James M. Beck.* Harvard L. Rev. Apr.

INTERNATIONAL LAW AND DIPLOMACY

Books

Adler, Arth. Die Haager Friedenskonferenz des Jahres 1907 und die Fortbildung des Völkerrechts. Berlin: Puttkammer und Muhlbrecht. 1909. Pp. 85

Alvarez, A. Le droit international américain. Paris: Pedone. Pp. 392.

Balch, Thomas Willing. La question des pêcheries de l'Atlantique. Philadelphia: Allen, Lane and Scott. Pp. 50.

Bornhak, Conrad. Russland und Finnland. Ein Beitrag zu der Lehre von den Staatenverbindungen. 2d ed. Leipzig: Duncker und Humblot. 1909. Pp. 63.

Bustamente y Sirven, Antonio S. La seconde conférence de la paix. Traduit de l' espagnol par G. Scelle. Paris: Larose et Tenin.

Chaunier, A. La Bulgarie. Histoire diplomatique et droit international. Paris: A. Rousseau.

Crucé, Emeric. Le nouveau Cynée; the new Cyneas; the French text, together with an English translation and an introduction by Thomas Willing Balch. Philadelphia: Allen, Lane and Scott. 1909. Pp. 31, 363.

Fiore, Pasquale. It diritto internazionale codificato e la sua sanzione jiuridica. 4th ed. Turin. 1909. Pp. 940.

Hall, W. E. A treatise on international law. 6th ed. edited by G. B. Atlay. Oxford University Press. Pp. 24, 768.

Hornbeck, Stanley K. The most-favored-nation clause in commercial treaties. Madison, Wis. Pp. 121 (Bulletin of the University of Wisconsin. No. 343.)

Kausen, Jos. Die Radiotelegraphie im Völkerrecht. Munich: Lentner. Pp.95.

Langhard, J. Das schweizerische Auslieferungsrecht nebst den Auslieferungsvertragen der Schweiz. Bern: Stämpfli. Pp. v, 314.

Le Fur, L. La paix perpetuelle et l'arbitrage internationale. Paris: Pedone.

Manche, L. La déclaration de guerre et l'avenir de l'arbitrage international. Paris: Larose et Tenin.

May, Gaston. Le traité de Francfort. Etude d'histoire diplomatique et de droit international. Paris: Berger-Levrault.

Müller-Heymer, Paul. Der Panamakanal in der Politik der Vereinigten Staaten von Amerika. Eine völkerrechtliche Studie. Berlin: Puttkammer und Muhlbrecht. 1909. Pp. 54

MacClintock, Samuel. Aliens under the federal laws of the United States. Chicago: Illinois Law Rev. 1909.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Niemeyer, Theodor. Das bisherige Seekriegsrecht und die Londoner Deklaration vom 26. Februar, 1909. Berlin: Guttentag.

Nys, Ernest. Le droit romain, le droit des gens, et le collège der docteurs en droit civil. Brussels: Weissenbruch. Pp. 159.

Perrinjaquet, J. Les annexions deguisées de territoires. Paris: Pedone.

Rinaudo, C. Documenti internazionali sull' arbitrato et sul diritto bellico. Turin: Olivero, 1909. Pp. vii, 88.

Röper, A, Die Unterseekabel. Leipzig: Deichert.

Sammlung älterer Seerechtsquellen. Hrsg. von Heinrich L. Zeller. 4. Heft. 2 Abtlg. Die Assisen von Jerusalem. Berlin: Prager. Pp. vi. 32.

Scott, James Brown. Editor. American Addresses at the Second Hague Peace Conference. Boston: Ginn. Pp. 48, 217.

Articles in Periodicals

Aerial Navigation. The Beginnings of an Aerial Law. *A. K. Kuhn.* Am. Jr. of Int. Law. Jan.

Aerial Navigation. La circulation aérienne et les droits des Etats en temps de paix. *P. Fauchille.* Rev. Gen. de Droit Int. Pub. Jan.-Feb.

Aerial Navigation. The Law of the Air-Ship. *S. E. Baldwin.* Am. Jr. of Int. Law. Jan.

Abbysinia. L'Ethiopie et l'expansion européenne en Afrique orientale (avec une carte). *R. Ferry.* An. de. Sci. Pol. Jan. 15, March 15.

Anglo-French Alliance. A propos d'une alliance franco-anglaise. *E. Lémonon.* Ques. Dip. et Col. Feb. 1.

Arbitration. The Proposed High Court of Nations. *J. L. Tryon.* Yale L. Jr. Jan.

Arbitration. Cassation et arbitrage. *F. D. Curtius.* Rev. de Droit Int. et Leg. Com. 1910, no. 1.

Austro-Russian Relations. Les conversations austro-russes. *J. Dorobantz.* Ques. Dip. et Col. March 16.

Austro-Russian Relations. Les communiqués austro-russes. *J. Dorobantz.* Ques. Dip. et Col. Apr. 1.

Bombardment. Un arrangement international sur les bombardements (1696). *L. Delavud.* Rev. Gen. de Droit Int. Pub. Nov. -Dec.

Bulgaria. L'indépendance bulgare. *G. Scelle.* Rev. Gen. de droit Int. Pub. Sept.-Oct.

Compulsory Arbitration. L'arbitrage obligatoire et les deux Conférences de la Paix. *H. Lammasch.* Rev. Gen. de Droit Int. Pub. Nov.-Dec.

Compulsory Arbitration. Compulsory Arbitration at the Second Hague Conference. *H. Lammasch.* Am. Jr. of Int. Law. Jan.

Crete. The Cretan Question. *T. P. Ion.* Am. Jr. of Int. Law. Apr.

Department of State. The History of the Department of State. *V. G. Hunt.* Am. Jr. of Int. Law. Apr.

Diplomatic Affairs. Diplomatic Affairs and International Law. *P. S. Reinsch.* Am. Pol. Sci. Rev. Feb.

Egypt. Le statut politique de l'Egypte au regard de la Turquie. *H. Lamba.* Rev. Gen. de Droit Int. Pub. Jan.-Feb.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Extradition. Des effets limitatifs de l'extradition en droit français. *E. Lémonon.* Rivista di diritto internazionale. 1909, fasc. 3-4.

Extradition. Die Reziprositat im deutschen Auslieferungsrecht. *W. Mettgenberg.* Archiv for Oeffentliches Recht. Vol. 25, pt. 1.

French Naval Policy. Notre politique navale. *J. Dorobantz.* Ques. Dip. et Col. Feb. 16.

Great Lakes. How The Great Lakes Became "High Seas," and Their Status Viewed from the Standpoint of International Law. *H. E. Hunt.* Am. Jr. of Int. Law. Apr.

International Law. La véritable mission de la science du droit international pour donner à la société internationale son organisation juridique. *P. Fiore.* Rev. de Droit Int. et Leg. Comp.

International Private Law. Die Hauptfragen des internationalen Privatrechts: *F. Meili.* Zeitschrift für Völkerrecht u. Bundesstaatsrecht. Vol. 4, pts. 2 and 3.

International Rivers. Inwieweit sind auf Rhein und Elbe Schiffahrtsabgaben nach Völkerrecht gestattet? *A. Arndt.* Zeitschrift für Völkerrecht u. Bundesstaatsrecht. Vol. 4, pts. 2 and 3.

Japanese Diplomacy. Pages de l'histoire diplomatique du Japon. *K. Kijima.* Quatrième article. Rev. de Droit Int. et Leg. Comp. 1910, no. 2.

London Naval Conference. Le déclaration de Londres de 1909 sur divers points de droit maritime. *N. Politis.* Journal du droit international privé. Vol. 36 (1909) p. 897. vol. 37 (1910), p. 35.

Nationality. The Chinese Nationality Law, 1909. *T. Chutung.* Am. Jr. of Int. Law. Apr.

Naval Warfare. Seekriegsrecht und Schiedsgerichtsbarkeit. *Hans Wehberg.* Zeitschrift für internationales privat-und öffentliches Recht. Vol. 19 (1909,) p. 497

Neutrals. Il diritto dei neutri secondo la v e la xiii convenzione dell'Aja. *G. Ottolenghi.* Rivista di diritto internazionale. 1909, fasc. 3-4.

Pacific Blockade. Die Friedensblockade. *Falcke.* Zeitschrift für internationales privat-und öffentliches Recht. Vol. 19 (1909), pp. 63-175.

Panama Canal. The Real Status of the Panama Canal as Regards Neutralization. *H. S. Knapp.* Am. Jr. of Int. Law. Apr.

Peace Movement. Die Friedensbewegung und das Völkerrecht. *J. Kohler.* Zeitschrift für Völkerrecht u. Bundesstaatsrecht. Vol. 4, pt. 3.

Polar Regions. The Arctic and Antarctic Regions and the Law of Nations. *T. W. Balch.* Am Jr. of Int. Law. Apr.

Polar Regions. Le problème de la souveraineté des poles. *R. Waultrin.* Rev. Gen. de Droit Int. Pub. Sept.-Oct.

Prescription. Prescription. *J. H. Ralston.* Am. Jr. of Int. Law. Jan.

Prize Law. Japanische Prisenrechtsquellen. *Leopold Perels.* Zeitschrift für internationales privat-und öffentliches Recht. Vol. 19 (1909), p. 214.

Renvoi. The RENVOI Theory and the Application of Foreign Law. II. *E. G. Lorenzen.* Col. L. Rev. Apr.

Rights of Refuge and of Passage. Du droit de refuge et du droit de passage en temps de guerre. *E. Duplessix.* Rev. Gen. de Droit Int. Pub. Sept.-Oct.

Rivers. Notes on Rivers and Navigation in International Law. *C. C. Hyde.* Am. Jr. of Int. Law. Jan.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Second Hague Conference. Die zweite Haager Friedenskonferenz. *Otfried Nippold.* Zeitschrift für internationales privat-and öffentliches Recht. Vol. 19 (1909), p. 363.

Suits Against States. Sovereigns as Defendants. N. Wolfman. Am. Jr. of Int. Law. Apr.

Treaties. De l'interprétation des traités internationaux. *P. Pic.* Rev. Gen. de Droit Int. Pub. Jan-Feb.

JURISPRUDENCE

Books

American Bar Association. Report of thirty-second annual meeting, Detroit, August 24-27, 1909. Baltimore, 1909. Pp. 1188.

Brugeilles, Raoul. Le droit et la sociologie. Paris: Alcan. Pp. 163.

Del Vecchio, Giorgio. Sull' idea di una scienza del diritto universale comparato. 2d ed. Turin: Bocca. 1909. Pp. 34.

Korkunov, N. M. General theory of law. Translated by W. G. Hastings. Boston Book Company. 1909. Pp. 14, 524.

Prison Reform League. Crime and criminals. Los Angeles. Pp. 10, 320.

Vinogradoff, Paul G. Roman law in mediæval Europe. New York: Harper. Pp. 7, 135.

Wines, Frederick H. Punishment and reformation: a study of the penitentiary system. New ed. New York: Crowell. Pp. 14, 387.

Articles in Periodicals

Bentham. Benthams Einfluss auf die Geschlossenheit der Kodifikation. *J. Lukas.* Archiv für Oeffentliches Recht. Vol. 26, pt. 1

Codification. Memorandum in re Corpus Juris. *L. H. Alexander.* Green Bag. Feb.

Codification. A Revival of codification. *Francis M. Burdick.* Columbia L. Rev. Feb.

Codification. Opinions Upon the American Corpus Juris Project, by Leaders of Bench and Bar. Green Bag. Feb.

Court, Chicago Municipal. The Municipal Court of Chicago. *J. K. Greene.* Pa. L. Rev. & Am. L. Reg. Mar.

Courts. Courts of Last Resort. *W. L. Carpenter.* Yale L. Jr. Feb.

Criminal Procedure, French. French Criminal Procedure and Evidence. (Law Times) Am. L. Rev. Jan-Feb.

Criminal Procedure, French. French Criminal Procedure. *F. R. Coudert.* Yale L. Jr. Mar.

English and American Courts. A Comparative Study of English and American Courts. *W. N. Gemmill.* Ill. L. Rev. Feb.-Mar.

English Legal History. Pages de l'histoire due droit en Angleterre. Le droit romain, le droit des gens et le collège des avocats de droit civil. *E. Nys.* Deuxième article. Rev. de Droit Int. et Leg. Comp. 1910, no. 1.

Expert Testimony. Expert Testimony, Its Abuse and Reformation. *L. M. Friedman.* Yale L. Jr. Feb.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Indeterminate Sentence. The Punishment of Crime and the Indeterminate Sentence. *H. R. P. Gamon.* Law Mag. & Rev. Feb.

Judicial Legislation. Does the Court Make or Interpret the Law? *F. G. Munson.* Pa. L. Rev. & Am. L. Reg. Mar.

Legal Ethics. Legal Ethics. *J. B. Brooks.* Yale L. Jr. Apr.

Probation. The Probation System of Massachusetts. *C. A. DeCourcey.* Yale L. Jr. Jan.

Procedure. The Failure of Remedial Justice. *W. L. Burdick.* Yale L. Jr. Apr.

Procedural Reform. Some Principles of Procedural Reform. *R. Pound.* Ill. L. Rev. Feb.

Procedural Reform. Reform of Legal Procedure. *L. Helm.* Am. L. Rev. Jan-Feb.

Roman-Dutch Law. Roman-Dutch Law. *J. Williams.* Yale L. Jr. Jan.

Uniform Laws. Uniform State Laws. *A. B. Parker.* Yale L. Jr. Apr.

MUNICIPAL ADMINISTRATION

Books

Berthélemy, H. und *Knoop. D.* Gemeindebetriebe in Frankreich und England Leipzig: Duncker und Humblot. Pp. v. 76. (Schriften des Vereins für Socialpolitik, 130. Bd. iv. Tl.)

Bureau of Municipal Research. Tenement house administration. New York. 1909. Pp. 175.

Casson, W. A. and *Ridgway, A.* The housing, town-planning, etc. act, 1909. London: Knight, Pp. 148.

Lucker, H. Die Gemeindebetriebe in oberschlesischen Industriebezirk. Leipzig: Duncker und Humblot. Pp. vii, 82. (Schriften des Vereins für Socialpolitik. 129. Bd., x. tl.)

Neuhaus, G. Die Gemeindebetriebe der Stadt Königsberg. Leipzig: Duncker und Humblot. Pp. viii, 142. (Schriften des Verein für Socialpolitik. 129. Bd., ix. tl.)

Robbins, E. Clyde. Selected articles on the commission plan of municipal government. Minneapolis: H. W. Wilson Co. Pp. 9, 168.

Veiller, Lawrence. Housing reform: A handbook for practical use in American cities. New York: Charities Publication Committee. Pp. ii., 213.

Wilcox, Delos F. Municipal franchises: a description of the terms and conditions under which private corporations enjoy special privileges in the streets of American cities. Rochester: Gervaise Press. 2 vols.

Willis, W. A. Housing and town planning. London: Butterworth. Pp. 243.

Articles in Periodicals.

Municipal Loans. Die rechtlichen Grundlagen der Anleihepolitik der deutschen Städte. *W. Berthold.* Zeitschrift für die gesamte Staatswissenschaft. 1910, no. 2.

Municipal Socialism, Prussia. Der Gemeindesozialismus und seine gesetzlichen Schränken im preussischen Kommunalrecht. *S. Genzmer.* Archiv für Oeffentliches Recht. Vol. 25, pt. 2.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Porto Rico. Municipal Government in Porto Rico. II. *W. F. Willoughby.* Pol. Sci. Quar. Mar.

Russian Poland. L'organisation municipale dans les villes de la Pologne russe. *H. Vimard.* An. de. Sci. Pol. Mar. 15.

POLITICAL SCIENCE (GENERAL) AND POLITICAL THEORY

Books

Cecil, Lord Hugh R. H. Liberty and authority. New York: Longmans. Pp. 69.

La Monte, R.R. and *Mencken, H.L.* Men Versus the Man. New York: Henry Holt. Pp. 252.

Marcel, R. Pierre. Essai politique sur Alexis de Tocqueville. Le Libéral. Le Democrate. L'Homme public. Paris: F. Alcan. Pp. vii, 514.

Articles in Perodicals

Politics. The Physiology of Politics. *A. L. Lowell.* Amer. Pol. Sci. Rev. Feb.

Sovereignty. The Co-operative Nature of English Sovereignty. *W.W. Lucas.* Law. Quar. Rev. Jan.

State, Aims of the. Der Staat und seine Aufgabe. *G. Grosch.* Archiv für Oeffentliches Recht. Vol. 25, pt. 3.

MISCELLANEOUS

Books

Andrillon, H. L'Expansion de l'Allemagne et la France. Angoulême: Coque mard. Pp. 300.

Bérard, Victor. La révolution turque. Paris: Colin. 1909. Pp. 352.

Blakeslee, G. H. China and the Far East. New York: Crowell. Pp. 22, 455.

Bruce, Philip A. The institutional history of Virginia in the seventeenth century. New York: Putnam. 2 vols.

Brooks, John Graham. The conflict between private monopoly and good citizenship. Boston: Houghton Mifflin. 1909. Pp. 43.

Churchill, Winston Spencer. Liberalism and the social problem . New York: Hodder and Stoughton. Pp. xxiii, 414.

Cromer, Earl. Ancient and modern imperialism. London: Murray.

Douglas, Sir Arthur P. The dominion of New Zealand. Boston: Little, Brown. Pp. 19, 444.

Godoy, José F. Porfirio Diaz, president of Mexico. New York: Putnam. Pp. 12, 253.

Heitland, W. E. The Roman Republic. New York: Putnam. 3 vols.

Landemont. De l'opression à l'indépendence. L'Avenir dans les Balkans. Rennes: Oberthür. Pp. 207

Lobingier. Charles S. The people's law. New York: Macmillan. 1909. Pp. 21, 429

Maunier, René. L'Origine et la fonction économique des villes. Paris: Giard et Brière Pp. 325.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Molesworth, Sir Guilford. Economic and fiscal facts and fallacies. London: Longmans. 1909. Pp. xii, 292.

Munford, Beverley B. Virginia's attitude toward slavery and secession. New York: Longmans. 1909. Pp. xiii, 329.

Ostrogorski, M. Democracy and the party system. New York: Macmillan.

Paquet, Alfons. Asiatische Reibungen. Politische Studien. Munich. Pp. vi, 112.

Putnam, George Haven. Abraham Lincoln. The people's leader in the struggle for national existence. New York: Putnam. 1909. Pp. viii, 292.

Ramsdell, Charles William. Reconstruction in Texas. New York. Pp. 324. (Columbia University Studies in History, Economics and Public Law, Vol. 36, No. 1).

Scholefield, Guy H. New Zealand in evolution. New York: Scribner. Pp. 24, 363.

Staudinger, Frz. Die wirtschaftliche Entwicklung und die politischen Parteien. Worms. 1909. Pp. iv, 61.

Swann, Alfred J. Fighting the slave hunters in Central Africa. London: Seeley. 2 vols.

Tardieu, Andre. Le prince de Bülow. Paris: Calmann-Lévy. 1909. Pp. 373.

Vinogradoff, Paul. Oxford studies in social and legal history. Vol I. Oxford University Press. Pp. 8, 380.

Webb, Sidney and Beatrice. English poor law policies. New York: Longmans. Pp. 15, 379.

White, William Allen. The old order changeth. New York: Macmillan.

Articles in Periodicals

Austrian Parliament. Nouvelle phase du parlementarisme en Autriche. *H. Hantich.* Ques. Dip. et Col. Feb. 1.

Child Labor. Children in the Textile Industry. J. Golden. Supplement to the Annals of the American Academy of Political and Social Science. Mar.

Child Labor. Child Employing Industries. Supplement to Annals of American Academy of Political and Social Science. Mar.

Child Labor. Enforcement of Child Labor Laws. *H. Folks.* Supplement to Annals of the American Academy of Political and Social Science. Mar.

Child Labor. Child Labor Legislation in Massachusetts. *C. Guild, Jr.* Supplement to Annals of the American Academy of Political and Social Science. Mar.

Child Labor. Child Labor Statistics. *F.S. Hall.* Supplement to Annals of the American Academy of Political and Social Science. Mar.

Corporate Interests. Private Conscience and Corporate Right. *J. B. Ross.* Pol. Sci. Quar. Mar.

Divorce. Divorce Laws and the Increase of Divorce. *E. Holbrook.* Mich. L. Rev. Mar.

Divorce. The Royal Commission on Divorce Law. *D. O. Dykes.* Jurid. Rev. Jan.

Divorce. The Divorce Situation in England. *E. DeF. Leach.* Green Bag. Apr.

Employers' Liability. Employers' Liability. *Floyd R. Mechem.* American L. Rev. March-April.

Employers' Liability. Employers' Liability in England Prior to the Act of 1880. *J. T. Carey.* Pa. L. Rev. and Am. L. Reg. Feb.

Greece. La crise hellenique. *H. Marchand.* Ques. Dip. et Col. Apr. 1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Interstate Rendition. Inadequacy of the present federal statute regulating interstate rendition. *Wilbur Larremore.* Columbia L. Rev. March.

Interstate Traffic. The Segregation of Interstate Trains. *J. N. Barker.* Yale L. Jr. Apr.

Italian Nationalism. Le nationalisme italien. *M. Muret.* Ques. Dip. et Col. Feb. 1.

Liquor Legislation. What Legislation by Congress is Desirable to Give Effect to State Liquor Legislation? *F. H. Cooke.* Green Bag. Jan.

Lynching. Lynching. *Chas. C. Butler.* American L. Rev. Mar.-Apr.

Monopolies. The Adequacy of Remedies Against Monopoly Under State Law. *F. H. Cooke.* Yale L. Jr. Mar.

Monopolies. Monopolies: Their cause and the remedy. *Charles P. Howland.* Columbia L. Rev. Feb.

Pan-Slavism. L'heure des Slaves. *A. Gratieux.* Ques. Dip. et Col. Apr. 1.

Political Press. La presse politique allemande. *A. Marvaud.* Ques. Dip. et Col. Mar. 16.

Political Press. La presse politique allemande. *A. Marvaud.* Ques. Dip. et Col. Apr. 1.

Pooling. Pooling Agreements Among Stockholders. *W. P. Rogers.* Yale L. Jr. Mar.

Prostitution. La répression de la "traite des blanches" en Egypte. *M. S. Kebedgy.* Rev. de Droit Int. et Leg. Comp. 1910, no. 2.

Public Service Corporations. The inherent limitation of the public service duty to particular classes. *Bruce Wyman.* Harvard L. Rev. March.

Receiverships. The Abuses of Receiverships. *J. Trieber.* Yale L. Jr. Feb.

Restraint of Trade. The New Doctrine Concerning Contracts in Restraint of Trade. *J. C. Knowlton.* Mich. L. Rev. Feb.

Standard Oil Case. The Standard Oil Case. *H. Noble.* Am. L. Rev. Jan.-Feb.

Tariff. The Payne-Aldrich Tariff. *G. M. Fisk.* Pol. Sci. Quar. Mar.

Taxation. An Experiment in Equalization, and its Result. *W. Carpenter.* Mich. L. Rev. Mar.

Taxation. Taxation of Easements. *B. M. Thompson.* Mich. L. Rev. Mar.

Taxation, Local. Landowners and Local Taxation. *J. A. Maclaren.* Jurid. Rev. Jan.

Trusts. The Sherman anti-trust act and industrial combinations. *Herbert Noble.* American L. Rev. Mar.-Apr.

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